

205 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP-2576-2019 (O&M)

Date of decision: 11.01.2022

CHARAN SINGH

Petitioner

Versus

STATE OF PUNJAB AND OTHERS

Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Rajvinder Sing Bans, Advocate for the petitioner.

Mr. Bhupender Bengal, AAG, Punjab.

Mr. Nishad Abuja, Advocate for complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The writ petitioner claims two reliefs in the instant petition, inasmuch as the official respondents concerned, being directed to provide adequate security to him to ward away life endangering threats, as emanate, from co-respondents No.7 and 8, who are alleged to be financially empowered, as also are alleged to be deploying musclemen to potentialize their threats, and, also relief that the respondents concerned, be directed against their initiating legal proceedings against the petitioner, is claimed in the petition.

2. In so far as the secondary relief is concerned, it cannot be allowed by this Court, as it will tantamount to this Court impermissibly precluding the re-coursing of appropriate remedies in accordance with law, by aggrieved concerned, as arise, from any errant action of the petitioner. Therefore, the afore relief is declined.

3. Be that as it may, the learned counsel for the petitioner has also claimed the afore initial relief qua the official respondents concerned, being directed to deploy security with him, as if he faces life endangering threats, from

co-respondents No.7 and 8. The learned counsel for the petitioner for supporting the aforemade submissions, has drawn the attention of this Court, to Annexure P-10, as appended with his rejoinder to the reply as furnished by the respondents concerned, wherein, there is a recital, qua the lodging of an FIR No.05 of 07.01.2016 at Police Station Sultanpur Lodhi, Kapurthala, in respect of his being allegedly attacked by co-respondents Nos.7 and 8. Consequently, he argues that the afore claimed relief is to be granted to him. Through, the afore Annexure P-10, the contention of the petitioner, is *prima-facie* supported. However, the FIR (supra) is of 2016, and, since much time has elapsed since then upto now, thereupon, the afore FIR alleging that the petitioner was attacked by co-respondent Nos.7 and 8, cannot *per-se* entitle him to validly raise any argument, that there would be another attempt, on the part of co-respondents Nos.7 and 8, to mete any life endangering potentialized threats, upon him. Even otherwise, the afore FIR, rather alleging an inculpatory role to the respondents concerned, is probably in the process of it being adjudicated, upon by the learned Criminal Court of competent jurisdiction concerned. Furthermore, though, there is a recital in Annexure P-10 qua threats being meted by co-respondents Nos.7 and 8, to the petitioner, on 01.06.2020. However, the author of Annexure P-10 has not referred to the relevant evidentiary material rather displaying the potentiality of consummation of the afore threats. Therefore, the aforemade recommendations as exist in Annexure P-10, appear to be surmisal and imaginative, and, cannot be depended upon by the learned counsel, for the petitioner.

4. *De-hors* the above, if hereafter there is any life endangering threat, rather supported by credible evidence, by co-respondents No.7 and 8, to the petitioner, and, also with the evidence concerned, suggesting that there is the

gravest potentiality of consummation, of the afore threats, thereupon it is open to the petitioner to approach the official respondents concerned, for his being provided adequate security, and, the official respondents concerned, shall in accordance with law, make an objective analysis of the evidence concerned, and shall thereafter proceed to, in accordance with law deploy security, for protecting the life and liberty of the petitioner.

- 5. Disposed of.
- 6. Pending miscellaneous application(s), if any, stand(s), disposed of.

11.01.2022

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Whether speaking/reasoned:-

Whether reportable:

Yes/No

Yes/No

(SURESHWAR THAKUR)

JUDGE