

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

CRWP-603-2022

Date of Decision:15.03.2023

Pooja Arora

...Petitioner

vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Aashish Gupta, Advocate
for respondents No.4 and 5.

N.S.Shekhawat J. (Oral)

Mr. Jagpal Singh, Advocate has put in appearance on behalf of respondent No.6 by filing his Memo of appearance and the same is taken on record.

Learned counsel appearing on behalf of the petitioner has confined his prayer only to the grant of protection of life and liberty of the petitioner and her family members. Learned counsel further submits that he does not press other prayers and may be granted liberty to avail his alternative remedies in accordance with law, with regard to the other prayers.

Learned counsel for the petitioner submits that on 19.07.2017, son of petitioner namely, Nikhil Arora was travelling on a Honda Activa Scooter bearing registration No.PB29/M-0841 as a pillion rider and

unfortunately met with an accident. In fact Nikhil Arora was hit by a tractor-trolley, which was driven rashly and negligently by respondent No -4 Pawandeep alias Pawanpreet. Nikhil Arora fell towards the side of tractor-trolley and his head was smashed. Vijay Arora, the father of the deceased and his friend Gagandeep Singh were following deceased, Nikhil Arora and had witnessed the accident. Regarding this accident one FIR No. 149 dated 19.07.2016 under Sections 304-A, 279, 337, 427 of IPC was registered at Police Station City South, Moga. Later on, a claim petition was filed by the petitioner and her husband, which was allowed by the learned MACT. Learned counsel contended that later on, the husband of the petitioner came to know that the licence produced by the owner and driver of the tractor was fake and they made an application to the police for taking action against the private respondents. An enquiry was entrusted to the Economic Offences Wing, Moga and after making a detailed enquiry and recording the statement of the parties, a report Annexure-P2 dated 22.06.2020 was prepared by the Incharge Economic Offences Wing, Moga and it was recommended that legal action may be taken against the persons, who had made the alleged forgery. Learned counsel further contends that now the private respondents are threatening them to withdraw the complaints submitted by them to different authorities.

A status report by way of affidavit of the Deputy Superintendent of Police, City Moga has been filed on behalf of respondents No.1 to 3 and 7. Learned State counsel submits that the enquiry report Annexure P-2 was duly received and after taking advice from the District Attorney Legal, the matter

was placed before Senior Superintendent of Police, Moga. As per the orders by Senior Superintendent of Police, Moga, the said file was consigned to record room on 06.07.2020.

Learned counsel on instructions from ASI Rashpal Singh submits that in case any complaint regarding threat to the lives and liberty of the petitioner and her family members is received, action shall be taken in accordance with law and every step shall be taken to ensure that no harm is caused to the petitioner and her family members.

In view of the statement made by learned counsel for the parties, this Court does not deem it appropriate to pass further orders and the petition is accordingly disposed off.

Needless to say that the petitioner shall be at liberty to avail his alternative remedies, in accordance with law, if any, with regard to other prayers made in the instant petition.

15.03.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No