

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.1096-2023
Date of decision: July 18, 2023

Sukhwinder Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Simranjot S. Nagra, Advocate for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Sachin Ohri, Advocate for respondent No.4 and 10.

ANOOP CHITKARA, J.

Fearing for life and liberty at the hands of the private respondents, the petitioner, invoking the fundamental right of life guaranteed under Article 21 of the Constitution of India, has come up before this Court seeking protection through the State.

2. Counsel for the petitioner submits that the petitioner is in Maharashtra and he intends to visit State of Punjab. He shall be given proper protection with liberty to approach to the concerned Senior Superintendent of Police/Station House Officer for security of his life and liberty.

3. Counsel for respondent No.4 and 10 submits that respondent No.5, 6 and 8 are not residing in Punjab as of now, respondent No.7 has expired. He further submits that there is no need to be afraid from the private respondent. Moreover, the petitioner is a proclaimed offender.

4. Given above, if the allegations of apprehension of threat to life turn out to be true, it might lead to an irreversible loss. Thus, in the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Superintendent of Police, SHO, or any officer to whom such powers have been delegated or have been authorized in this regard, provide appropriate protection to the petitioner for one week from the day when he shall approach them after coming from Maharashtra. However, if the petitioner no longer requires the protection, then at his request, it may be discontinued even before the expiry of one week. After that, the concerned officers shall extend the

protection on day-to-day analysis of the ground realities or upon the oral or written request of the petitioner.

5. This protection is subject to the stringent condition that from the time such protection is given, the petitioner shall not go outside the boundaries of the place of residence, except for medical necessities, to buy household necessities, and for bereavements in the families of the close relatives or close friends. This restriction saves the petitioner from apprehended risk and ensures that the protection is not flaunted. **It is further clarified that in case he will go outside the four walls of the house, the protection order stands recalled automatically.**

6. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. If petitioner is a proclaimed person as per police record, Investigator is at liberty to take action in accordance with law. It is further clarified that this order shall not come in the way if the interrogation of the petitioner is required in any cognizable case. It shall also be open for the petitioner to approach this Court again in case of any fresh threat perception.

7. **This order shall eclipse after fifteen days from today.**

8. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

July 18, 2023
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Whether speaking/reasoned: Yes
Whether reportable: No.