

105

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

CRWP-5905-2022 (O&M)
Date of decision: 05.07.2023

Harbinder Kaur

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rahul Kumar Adia, Advocate for the petitioner.

Ms. Gurmeet Kaur Gill, Sr. Panel Counsel
for respondent No.1-UOI.

Mr. Ferry Sofat, Addl. A.G. Punjab
for respondent Nos.2, 3, 5 to 8.

Ms. Aditi Sharma, Advocate for
Mr. C.S. Bakhshi, Advocate
for respondent No.4-UT Chandigarh.

VIKAS BAHL, J. (ORAL)

1. This is a Criminal Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ, order or direction to respondent Nos.1 to 4 to protect the life and personal liberty of the petitioner and her family members.
2. Learned counsel for the petitioner has submitted that the petitioner was beaten up by the erring police officials of Tarn Taran and by some private person and one of the accused i.e., respondent No.9 has now

been appointed as MLA from Khadoor Sahib Constituency and with respect to the said incident, Hon'ble the Supreme Court had taken suo moto action against the erring police officials after the news had been published in newspapers and regarding the same, an FIR bearing No.69 dated 04.03.2013 under Sections 354, 323, 506, 148, 149 of Indian Penal Code, 1860 and Section 34 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, Police Station City Tarn Taran, District Tarn Taran, was registered. It is stated that there were further allegations made against respondent No.7-Senior Superintendent of Police, Tarn Taran to the effect of having made an offer for compromising the matter and thus, the petitioner had approached this Court against the erring officials by way of filing petition bearing No.CRM-M-8955-2013 and a Coordinate Bench of this Court vide order dated 18.03.2013, had, apart from issuing other directions, directed the Inspector General of Punjab, Chandigarh to provide adequate security to the petitioner for a period of one day before an alternative arrangement could be made and instructions were to be sought for providing security to the family members of the petitioner from Central Force and not from the police of the State of Punjab. It is contended that in pursuance of the said order, Chandigarh police has provided security to the petitioner and her family members and the said security has continued on account of various orders passed by the Coordinate Benches of this Court in the present case.

3. Learned counsel for the petitioner has also submitted that at this stage, the petitioner would be satisfied in case, the said security continues till the time threat perception exists for the petitioner and her

family members. It is further submitted by the petitioner that two police officials i.e., one Constable and one Head Constable armed with two pistols have been deployed as security and the same should continue till threat perception exists for the petitioner.

4. Learned counsel appearing on behalf of UT Chandigarh has submitted that UT Administration would provide security to the petitioner till the time the threat perception is there to the petitioner and in case, UT Administration, after considering all the relevant material, is of the opinion that there is no threat perception to the petitioner then the entire material would be placed before the Inspector General of Police, UT Chandigarh and in case, the Inspector General of Police, UT Chandigarh, after considering the entire matter, is of the opinion that there is no threat to the life of the petitioner and her family members then a notice of at least one month would be issued to the petitioner and also provide personal hearing to the petitioner before any final order of withdrawal of the security provided to the petitioner is passed.

5. Learned counsel for the petitioner has submitted that the said statement made by learned counsel for UT Chandigarh satisfies the petitioner but liberty be granted to the petitioner to challenge any such action of UT police in case, the petitioner is aggrieved of the same.

6. Keeping in view the abovesaid facts and circumstances, the present Criminal Writ Petition is disposed of with the following directions:-

- a) The security which has already been provided to the petitioner and her family members would be continued to be provided to the petitioner and her family members.

- b) In case, UT Police is of the opinion that there is no threat perception to the petitioner and her family members then the entire material would be placed before the Inspector General of Police, UT Chandigarh and in case, the Inspector General of Police, UT Chandigarh, after considering the entire matter, is of the opinion that there is no threat perception to the petitioner and her family members then 30 days' notice would be given to the petitioner and also an opportunity of hearing would be given to the petitioner before the passing of any final order of withdrawal/reduction of the security already provided to her.
- c) It would be open to the petitioner to challenge any such reduction of the security or withdrawal of the security in case, the petitioner is aggrieved of the said action and in case, any such petition is filed, then the same would be considered independently and in accordance with law, at that stage.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

05.07.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No