

2023:PHHC:151928

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP No. 6026 of 2022 (O&M)

Date of decision : 29.11.2023

...

Rajiv Kumar Sharma

.....Petitioner

vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sidakjit S. Bajaj, Advocate for the petitioner.

Mr. C.L. Pawar, Additional Advocate General, Punjab.

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MAHABIR SINGH SINDHU, J.

Present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for issuance of directions to the respondents to provide police protection to the petitioner, in view of the fact that he has deposed against the gangsters in FIR No. 306, dated 28.11.2018, under Sections 452, 323, 324, 326, 307, 342, 353, 186, 427, 148, 149, 120-B IPC, 1860, read with Sections 25, 27 of Arms Act, 1954, registered at Police Station, Division No. 6, Jalandhar.

(2) Contends that petitioner is facing threat to his life and liberty thus he be provided security. Counsel submitted that on earlier occasion an arrangement was made by the Punjab Police and he was

provided a gunman, but the protection has been withdrawn without any reason. Further submitted that petitioner is continuously receiving threat at the hands of some gangsters; thus respondents be directed to provide him adequate security.

(3) Per contra learned State counsel, on instructions, apprised the Court that after conclusion of the trial, all the accused stand convicted in the aforesaid FIR by the Court of competent jurisdiction. Still further while making reference to para 7 of the affidavit, dated 23.07.2022, submitted that petitioner never approached the respondents for seeking police protection after decision of the aforesaid criminal case.

(4) Heard both sides and perused the paper-book(s).

(5) In pursuant to the notice of motion issued by this Court, an affidavit dated 23.07.2022 was filed by Shri Ashwani Kumar, PPS, Assistant Commissioner of Police (Central), Jalandhar and para 7 of the same reads as under:-

“7. That petitioner has never approached answering respondent again for providing police help or threat perception from accused, moreover answering respondent is ready to provide police protection to petitioner as and when petitioner approach answering respondent.”

(6) Perusal of the above extract reveals that petitioner never approached the quarter concerned for seeking police protection.

Moreover, it is not in dispute that a criminal case has already been decided by the court of competent jurisdiction, resulting

into conviction of the accused persons.

(7) In view of the above, this Court is not inclined to accept the prayer of the petitioner and hence petition is dismissed.

(8) Needless to say that petitioner may approach the competent authority for protection of his life and liberty, if an occasion so arises.

(9) Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

29.11.2023
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No