

**248 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRWP-4947-2023
Date of Decision: 19.09.2023

Gurinder Singh

..... Petitioner

Versus

State of Punjab & Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Inderjeet Sharma, Advocate,
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Deepak Arora, Advocate for
respondents No.5 & 6.

N.S. SHEKHAWAT, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ especially in the nature of mandamus to direct respondents No.1 to 4 to protect the life and liberty of the petitioner.

2. Learned counsel for the petitioner contends that one FIR No.0053 dated 25.07.2018 (Annexure P-1) under Sections 325, 323, 324, 341, 427, 201 IPC was registered at Police Station Sekhwan, Police District Batala, District Gurdaspur against respondents No.5 & 6 at the instance of Ajit Singh son of Joginder Singh.

3. Learned counsel for the petitioner further contends that the trial in the said case is pending before the trial Court and the petitioner is the material eye witness against respondents No.5 & 6. He further contends that

respondents no. 5 & 6 are repeatedly threatening him and want to prevent him from appearing before the trial Court and to depose against them in the criminal trial. He further contends that at about 4/5:00-PM on 12.04.2023, when the petitioner was going to Naushehra Majhan Singh from his village for his personal work, respondents no.5 & 6 had intercepted the moped of the petitioner and had assaulted him. The petitioner had informed the police, but no action was taken against respondents No.5 & 6.

4. Pursuant to the notice, a short reply by way of Affidavit of Rajbir Singh, PPS, Deputy Superintendent of Police, Rural District Gurdaspur has been filed on behalf of respondent No.1 to 4.

5. Learned State counsel submits that the petitioner had filed an application to SHO Police Station, Dhariwal regarding the threats extended by respondents no.5 & 6. Learned counsel further submits that the preventive action under Section 107/150 Cr.PC was ordered to be initiated against the petitioner, respondents no.5 & 6 and others vide GD No. 34 dated 13.5.2023.

6. Learned State counsel has further assured the court that as and when the petitioner goes to the trial Court to depose as a witness, adequate protection shall be granted to him and he shall be granted protection on the route from his house to the trial Court and shall be dropped back at home, by providing him adequate security.

7. In view of the statement made by learned State counsel, no further direction are required in the present case. However, it is made clear that the petitioner shall inform SHO Police Station, Dhariwal, District-

Gurdaspur in writing at least two days in advance and on the date, when the petitioner has to appear as a witness, he shall be granted adequate protection by the SHO Police Station Dhariwal from his house to trial Court and shall also be granted protection while returning from Court to his home. It is clarified that the said protection shall only be granted on the date, when the petitioner has to appear as a witness and shall not be granted protection on any other date.

8. With the above observations, the present petition stands disposed of in the above terms.

19.09.2023

Deepak Patwal

(N.S. SHEKHAWAT)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No