

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

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CRWP-5389-2023**Date of decision : 08.08.2023****Gurmail Singh****..... Petitioner****versus****State of Haryana and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. I.S. Kooner, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

On 20.07.2022, following order was passed:-

“Petitioner claims to be the eyewitness of murder of his brother- in-law Satyawar Malik alleged to have been committed by members of Sandeep Badwasnia's gang.

Trial arising out of the said incident under FIR No.400, dated 7th of September, 2020 registered for offences punishable under Sections 307, 120-B, 34 IPC and 25(1-B)(a) of the Arms Act, 1959 at Police Station Palam Vihar, District Gurugram is stated to be pending before ASJ Rohtak wherein the petitioner is yet to depose.

Present criminal writ petition has been filed seeking writ in the nature of mandamus or any other appropriate direction directing respondents No.2 and 3 to safeguard and ensure protection of life and liberty of the petitioner by providing adequate security as the petitioner apprehends threat from the members of Sandeep Badwasnia's gang.

2023:PHHC:105029

Counsel for the petitioner submits that the apprehension raised by the petitioner is not without any basis and rather stems-out of a press release issued by a Special Cell of Delhi Police, dated 24th of March, 2023 relating to arrest of member(s) of Sandeep Badwasni's gang namely Gaurav Rana @ Mini @ Mitta along with his other two associates wherein under the signatures of Deputy Commissioner of Police, Special Cell, Delhi Police, it has been informed that the members of the gang want to take revenge of Sandeep Badwasnia's murder by killing family members of Satyawant Malik.

In the reply filed by the State by way of affidavit of Vivek Kundu, HPS, Deputy Superintendent of Police, Rohtak it has been claimed that the petitioner in fact has refused any such threat. The said fact is being denied by counsel for the petitioner.

Without going into the question as to whether the petitioner suffered a statement being relied upon by the State, this Court finds that petitioner definitely has a right to get his life and liberty protected and State is under duty to ensure the same. Not only this, the State also has a Haryana Witness Protection Scheme, 2020 notified on 14th of September, 2020.

In view of above this Court deems it appropriate to direct Superintendent of Police, Rohtak to access the threat perception to the petitioner especially in the light of Press Release of Delhi Police as referred hereinabove and act accordingly within a period of two weeks.

Report in compliance be filed before this Court, on or before 08.08.2023.”

2023:PHHC:105029

2. In compliance thereof, report by Himanshu Garg, IPS, Superintendent of Police, Rohtak in compliance of order dated 20.07.2023 has been filed. The same is taken on record.

3. Para Nos.6 and 7 thereof read as under:-

6. That a meeting of the Standing Committee under the Haryana Witness Protection Scheme-2020 was held on 02.08.2023 under the Chairmanship of Smt. Neerja Kulwant Kalson, Ld. District & Sessions Judge, Rohtak. During this meeting, it was decided by the committee that efforts would be made for disposal of this case on priority basis and the accused person who are in custody whether in this case or in other case be produced through video conference. Also, it was decided that if possible the evidence of Sh. Gurmail Singh shall be recorded through video conference and necessary arrangement in this regard will be made by the Superintendent of Police, Rohtak. Further, it was decided to provide protection to this witness in term of Witness Protection order.

7. That, a gunman has been deployed with the petitioner Gurmail Singh for his protection as per Haryana Witness Protection Scheme, 2020, being a witness in case FIR No. 516 dated 12.12.2017 U/s 302/120-B/148/149/206/216 IPC & 25/54/59 Arms Act, Police Station Urban Estate, Rohtak. The threat assessment of the petitioner shall be re-assessed from time to time as per Haryana Witness Protection Scheme, 2020.”

4. In view thereof, this Court does not find that anything remains at the hands of this Court to adjudicate.

5. Disposed off accordingly in view of stand taken by State
ibid.

(PANKAJ JAIN)
JUDGE

08.08.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No