

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.6240-2023
Date of Decision: 17.07.2023

Rajbir ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ravinder Hooda, Advocate for the petitioner.

Mr. Manish Bansal, Sr. DAG, Haryana.

Mr. Rajeev Anand, Standing counsel for CBI-respondent No.2.

Mr. Bhagwan Singh Tewatia, Advocate
for respondents No.10 to 19.

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 he would be confining his prayer to the extent of protection of life and liberty of the petitioner at this stage, reserving his right to take other legal remedies for remaining prayers including filing of fresh writ petition.

3. Counsel appearing for respondents No.10 to 19 on instructions states that there is no need to fear from.

4. State has also filed status report which is taken on record. By making reference to the status report, state counsel submits that they have already launched prosecution against the accused whom they found involved, whereas, they did not found any involvement of respondents No.10 to 19. Therefore the petitioner cannot use this petition for protection to force the State to take action against them under Section 173 CrPC.

5. 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 today. However, if

the petitioner no longer requires the protection, then at their 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.

6. 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 emergency and to attend Court dates. This restriction saves the petitioner from apprehended risk and ensures that the protection is not flaunted.

7. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. 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.

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

9. Liberty reserved to the petitioner to file a fresh representation to the concerned Additional Director General of Police, South Range, Rewari (Haryana), within fifteen days from today. If the petitioner files such representation within the above mentioned time period of fifteen days, then the same shall be decided by the concerned Additional Director General of Police, South Range, Rewari (Haryana), within two months by passing a speaking and reasoned order. The order so passed be also communicated to the representationist.

10. *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

17.07.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.