

CRWP No.7260-2023

2023:PHHC: 093730

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

CRWP No.7260-2023
Date of Decision:25.07.2023

Avtar Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

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. Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.

3. 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.

4. 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, 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.

5. 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 necessities and for bereavements in the families of the close relatives or close friends. It is clarified that the petitioner shall also not go in his fields and in case, he does so, the protection shall be withdrawn immediately and the Police officer shall immediately return back to the police station. This restriction saves the petitioner from apprehended risk and ensures that the protection is not flaunted.

6. 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.

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

8. Considering the nature of allegations against one of the Deputy Superintendent of Police, liberty reserved to the petitioner to file a fresh representation to the concerned Senior Superintendent of Police within fifteen days from today and he is at liberty to annex the recording of the concerned DySP in pen drive and other relevant documents. If the petitioner files such representation within the above mentioned time period of fifteen days, then the same shall be decided by the concerned Senior Superintendent of Police within two months and the outcome will be conveyed to the petitioner through counsel, within 15 days from the decision of the representation.

9. *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

25.07.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.