

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207 CRWP-8055-2022
Date of Decision: 07.08.2023

Hakam Singh and others Petitioners
Versus
State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Priyavrat Prashar, Advocate for the petitioners.
Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of necessary writ in the nature of Mandamus for directing respondents No. 1 and 2 to protect the life and liberty of the petitioners from the hands of respondent No. 3.

2. Counsel for the petitioners submits that respondent No. 3 is on bail and involved in many criminal cases and the petitioner apprehends threat from him.
3. Although, a co-ordinate Bench of this Court had granted protection to the petitioners which is still continuing. However, considering the fact that the protection cannot be given for unlimited period of time, as such, this Court is passing the following order:-

(i) 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 petitioners for one week from today. However, if the petitioners 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 petitioners.

- (ii) This protection is subject to the stringent condition that from the time such protection is given, the petitioners shall not go outside the boundaries of the place of residence, except for medical necessities, to buy household necessities, and for bereavements in the families of the close relatives or close friends. This restriction saves the petitioners from apprehended risk and ensures that the protection is not flaunted.
- (iii) 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 petitioners is required in any cognizable case. It shall also be open for the petitioners to approach this Court again in case of any fresh threat perception.

4. The concerned Senior Superintendent of Police is also directed to enquire the allegations of threatening against respondent No. 3 and in case, he finds the allegations are correct then the State shall ensure that life of the petitioner is protected. State as well as petitioner shall be at liberty to file an application for cancellation of bail of respondent No. 3 in all those cases in which he is involved.
5. Given above, the present petition stands disposed of. **This order shall eclipse after fifteen days from today.** All pending miscellaneous applications, if any, stand disposed of.
6. **All interim orders passed by this Court are recalled.**

(ANOOP CHITKARA)
JUDGE

07.08.2023
Jyoti-II

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No