

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

CRWP No.7743 of 2023
Date of Decision: 10.08.2023

Kirpal Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manbir Singh Batth, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Kamal Chaudhary, Advocate
for respondents No.7 & 8.

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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 confines his prayer to protection of his life and liberty and he would be contented and satisfied in case, he files a fresh representation to the concerned Director General of Police/Senior Superintendent of Police, the same may be decided in the time bound manner.

3. Counsel for the State on instructions submits that there is substance for registration of FIR and the matter has been referred to the concerned Superintendent of Police for approval.

4. Counsel for respondents No.7 & 8 submits that there is no threat to the petitioner from them.

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 necessities, to buy household necessities, and for bereavements in the families of the close relatives or close friends. 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. Liberty reserved to the petitioner to file a fresh representation and in case the petitioner files a new representation within one month from today, the concerned Director General of Police/Senior Superintendent of Police either personally or delegate the same to any IPS Officer under him, shall decide the same within two months from the date of filing of representation. It is clarified that such an order must be a reasoned order, and the same be communicated to the representationists without delay. In the representation, petitioner to mention the e-mail-id of his counsel so that the concerned officer could communicate them outcome.

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

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

10.08.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.