110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.7877-2023
Date of decision: 10.08.2023

Baksho Kaur @ Gurbaksh Kaur and another ...Petitioners

Versus

State of Punjab and others …Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Bains, Sr. Advocate with
Mr. Aman Raj Bawa, Advocate for the petitioner(s).

Mr. Shiva Khurmi, AAG, Punjab.

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ANOOP CHITKARA

Fearing for life and liberty at the hands of the private respondents, the petitioners, invoking the fundamental right of life guaranteed under Article 21 of the Constitution of India, have come up before this Court seeking protection through the State alongwith further prayer(s).

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

3. 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.

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, 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 require 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.

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5. 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.

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 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.

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

8. Liberty reserved to the petitioners to file a fresh detailed representation by mentioning his communication ID i.e. e-mail to the concerned Senior Superintendent of Police/Commissioner of Police, within fifteen days from today. If the petitioner files a representation within the above-mentioned time period of fifteen days, then, the same shall be decided by the concerned Senior Superintendent of Police/Commissioner of Police, within two months. Order so passed must be reasoned one and communicate to the petitioner on his e-mail id.

9. *There would be no need for a certified copy of this order, and any Advocate for the Petitioners 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.

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