

CRWP No.8231-2023

136

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.8231-2023

Date of decision: 21.08.2023

Harjinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Vertika Gupta, Advocate for
Mr. Lupil Gupta, Advocate the petitioner(s).

Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA

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 her prayer to the extent of protection of life and liberty of the petitioner at this stage, reserving his rights 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 petitioner for one week from today. However, if the petitioner no longer requires the protection, then at his 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, 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.

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. Liberty reserved to the petitioner 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 or by authorizing and delegating it to any officer holding IPS cadre, within two months. Order so passed must be reasoned one and communicate to the petitioner on his e-mail id.

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

21.08.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.