

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

CRWP-9553-2023 (O&M)

Date of decision : 30.10.2023

Pradeep Bhatia

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present :- Mr. Sanjeev Kumar, Advocate and
Ms. Deepti Rampal, Advocate, for the applicants-petitioners.

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

Mr. Vishal Sharma (Vasudeva) Advocate, for respondent
nos. 6 to 12.

JASJIT SINGH BEDI, J. (ORAL)

Prayer in the present petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the official respondents to protect the life and liberty of minor son of the petitioner, namely, Avyan Bhatia at the hands of the private respondents.

2. Reply filed by way of affidavit of Sumeer Singh, Deputy Superintendent of Police, Sub-Division City, District Pathankot, dated 27.10.2023, is taken on record. Copies thereof have been supplied to counsel opposite.

3. Separate reply to the petition on behalf of respondent nos. 6 to 12 dated 30.10.2023 is taken on record. Copies thereof have been supplied to counsel opposite.

4. Counsel for the petitioner contends that petitioner had got married to respondent no. 6, Madhvi Badhan daughter of Shri Omesh Badhan and from the said wedlock a male child namely Avyan Bhatia was born on 25.06.2017. Due to certain issues between the couple, they are now residing separately and the minor child is residing with the petitioner. On 31.07.2023 an attempt was made to kidnap the child and FIR No. 0105 dated 03.08.2023 under Section 323, 341, 34 IPC at Police Station Division No. 2, Pathankot, came to be registered at the instance of owner of the school, namely KLM International School, Defence Road, Mamoon, Pathankot. Vide G. D. No. 26 dated 02.10.2023 offences under Sections 365, 511, 120-B were added in the said FIR. It is, therefore, contended that the official respondents be directed to provide security to him and his minor child so that no other attempt is made to kidnap the said child.

5. Counsel for respondent nos. 6 to 12 states that no such attempt will be made in future.

6. Counsel for the State of Punjab submits that security shall be provided to the petitioner and the minor child subject to the petitioner making requisite payment in this regard.

8. Heard counsel for the parties.

9. As an attempt has been made on an earlier occasion to kidnap the child, the respondent-State is directed to provide security to the petitioner and the minor child on the payment of dues as applicable by the petitioner, subject to periodic reviews on the threat perception to the petitioner and the child.

10. Disposed of.

(JASJIT SINGH BEDI)
JUDGE

30.10.2023

VS

Whether speaking/reasoned
Whether Reportable :

Yes/ No
Yes/ No