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2023:PHHC:128441

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP No.9785 of 2023
Date of Decision: 04.10.2023

Naresh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Ms. Menka Gupta, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioner has sought the indulgence of this Court for the issuance of directions to respondents No.2 & 3 to protect his and his minor children's lives and liberty, while averring that he apprehends threat to the same at the hands of private respondents No.4 to 7, the parents and other close relatives of one Tejpal because he has got a criminal case registered against him (Tejpal) and he has also prayed that the official respondents be directed to decide representation Annexure P-2, as moved by him to respondent No.2.

2. Mr. Virat Rana, learned Assistant Advocate General, Punjab, has appeared on behalf of respondents No.1 to 3 in this case in pursuance of the copies of the present petition having been sent to the respondent-State in advance and on the instructions from ASI Lakhwinder Singh from Police Station Dera Bassi, District SAS Nagar, he informs the Court that

the offence under Section 6 of the POCSO Act has also been invoked in the criminal case arisen out of FIR bearing No.285 dated 18.09.2023 registered at the afore-referred Police Station, under Section 376 IPC.

3. In view of the above-discussed submission as made by learned State counsel, learned counsel for the petitioner seeks permission to partly withdraw the instant petition to the extent of the prayer of the petitioner regarding the issuance of direction to the official respondents to decide his representation Annexure P-2 and as regards the relief qua the protection of the lives and liberty of the petitioner and his minor children, she further submits that the petitioner would move a fresh representation to respondent No.2, exclusively praying therein for such protection only and she further prays that the said respondent be directed to decide the same within some specific time-frame.

4. Learned State counsel has no objection to the afore-mentioned submission and also the prayer, made by learned counsel for the petitioner.

5. Resultantly, the petition in hand stands partly dismissed for having been withdrawn, in terms of the above-discussed submission, made by learned counsel for the petitioner and so far as the remaining relief sought by him (petitioner) is concerned, without commenting or expressing any opinion on the merits of the present petition, the same is, hereby, partly disposed of with a direction to respondent No.2-Senior Superintendent of Police, SAS Nagar, Mohali that in case, the petitioner moves any fresh representation to him, restricting his prayer therein to the protection of his own and his minor children's lives and liberty only, he shall look into the same and if they would be found to be genuinely deserving any such protection, then he shall take

appropriate action, in accordance with law, in the given set of the facts and circumstances of the matter, preferably within a period of ten days thereafter.

04.10.2023
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No