

CRWP No.10930 of 2022**2023:PHHC:111568**

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.10930-2022

Date of Decision: 25.08.2023

Amit Kumar and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhinav Gupta, Advocate for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Keshav Pratap Singh, Advocate for respondent No.11.

ANOOP CHITKARA, J.

Seeking directions to official respondents No.1 & 2 to protect life and liberty and to decide representation dated 08.10.2022 (Annexure P-2), the petitioners have come up before this Court under Article 226 of the Constitution of India.

2. After arguing for considerable time, petitioners' counsel wants to withdraw the present petition because of the affidavit dated 05.07.2023 filed by the Assistant Inspector General of Police, Security Punjab, Chandigarh, in which, the State has provided protection because in their opinion the petitioners indeed are facing threat perception.

3. The petitioners' other grievance that the police officials are protecting the private respondents and they are sitting over the investigation of FIR No.28 dated 06.04.2023 registered at Police Station PAU, Ludhiana and prayed for issuance of directions to investigator to complete the investigation without any delay.

4. There is no specific prayer in this regard but considering the fact that the petitioners have made a general prayer to pass any directions which this Court deems fit, it would be appropriate to ask the State to speed up the investigation in FIR No.28 dated 06.04.2023 registered under Arms Act at Police Station PAU, Ludhiana. Let the investigator to complete the investigation of the case on top priority.

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5. For the remaining prayers, petitioners are permitted to make a representation before the concerned Director General of Police, within two weeks from today. If the petitioners file a representation within the above-mentioned time period of two weeks, then, the same shall be decided by the concerned Director General of Police, within two months, either himself/herself or by authorizing and delegating it to any officer holding IPS cadre. It is clarified that such order must be a reasoned order, and the same be communicated to the representationists as well as his counsel, without delay. In the representation, petitioners to mention the e-mail-id of his counsel so that the concerned officer could communicate the outcome.

6. It is clarified that respondent No.11-Nitish Ghai and his wife be also given an opportunity of being heard if petitioners level any allegations against them in their representation if so filed, subject to the condition that they shall not take more than 15 days to clear their stand.

7. Liberty reserved to the petitioner to file fresh petition or to take other legal remedies in accordance with the law.

8. It is clarified that there is no adjudication on merits. 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.

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 disposed of as withdrawn, with the aforesaid observations. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

25.08.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.