

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRWP-10967-2022
Decided on : 25.05.2023

Anirudh

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Dinesh Ghai, Advocate &
Mr. Nikhil Ghai, Advocate
for the petitioner(s).

Mr. Pawan Kumar Jhanda, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. After hearing the petitioner on 22.11.2022, following order was passed:

“Present: Mr. Nikhil Ghai, Advocate for the petitioner.

Prayer in the instant petition filed under Article 226 of the Constitution of India, is for issuance of directions to respondents No.2 & 3, to provide protection of lives and liberty of the petitioner and his family members, at the hands of private respondents. Learned counsel for the petitioner submits that petitioner and his family members as detailed in paragraph No. 3 of the petition, are threatened and thus, apprehending elimination at the hands of private respondents No. 6 to 10 because real sister of the petitioner, namely, Ratan (respondent No. 5) has performed marriage with Pardeep Kumar (respondent No. 4), who is cousin brother of petitioner as well as his real sister (respondent No. 5). Counsel further submits that in no manner, petitioner and his family members are party to the said relation and both the said respondents succeeded in seeking direction from this Court by way of filing of one protection petition i.e. CRWP No. 9332 of 2022 by misleading the Court by hiding the true and correct facts. In fact, petitioner and other family members are neither party in any manner nor have any concern to the marriage performed by respondents No. 4 and 5.

Since there is eminent threat from respondents No. 6 to 10, already one representation dated 09.11.2022 (Annexure P-3) has been submitted to respondent No. 2-Superintendent of Police, Hisar, but the same is not looked into seriously for providing of protection to the petitioner and his family members.

Notice of motion for 12.12.2022.

On asking of the Court, Mr.Vikas Bhardwaj, AAG, Haryana, appears and accepts notice on behalf of respondent-State.

After going through the contents of the petition and the apprehension expressed by petitioner qua himself and his family members, this Court is of the view that it is constitutional right of the petitioner to seek protection of his life, if it is under threat from any quarter of the society.

Undoubtedly, to provide an atmosphere of protection of life is the subject matter of State administration, which functions as per rule of law.

In the backdrop of all the circumstances as discussed hereabove, I deem it appropriate to direct respondent No. 2-Superintendent of Police, Hisar, to examine the representation dated

09.11.2022 (Annexure P-3) and if required, also to depute some police officer for examination of the situation in the village of petitioners.

In case it transpires that there is danger to the lives and liberty of the petitioner and his other family members, because of issue explained in the present petition, appropriate remedial steps for granting protection of lives and liberty of the petitioner and his other family members, would be taken as per law.

Reply/status report be filed on or before the next date of hearing i.e. 12.12.2022."

2. Thereafter, status report dated 10.12.2022 on behalf of respondents No.1 to 3 has been filed by State and again an additional status report dated 07.01.2023 has also been filed by State.

Learned State counsel has referred the kalandara registered against the accused Vinod @ Rustam, Subhash @ Bajrang, Rohit @ Bachi, Viky @ Tinu, Vikas @ Moni (respondents No.6 to 10 respectively) and were produced before the concerned Court and thereafter, were bound down for good conduct for a period of one year under Section 116 Cr.P.C..

3. Learned State counsel points out that after furnishing the bonds in the sum of Rs.20,000/- each, as per instructions received by him, there is no violation of any condition or repetition of such incident.

4. I have heard the counsel of both the sides and perused the pleadings raised in the prayer as well as status report already filed by the State. Counsel for the petitioner is also unable to suggest any other alternate mean to the step already taken by the local police of the area.

5. This Court is of the view that once there is kalandara under Section 107, 151 Cr.P.C. against respondents No.6 to 10 and there is no allegation of violation of any terms of the bonds furnished by them, no cause survives with the petitioner as of now to continue with the present petition.

6. In view of the circumstances, recorded hereabove, this Court is of the view that no cause survives in the petition as of now, thus, petition stands disposed of in above mentioned terms.

7. Accordingly, present petition stands disposed of.

8. Pending application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

May 25, 2023

k.nain

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No