

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRWP-11326-2022 (O&M)

Reserved on: 06.12.2023

Pronounced on: 12.12.2023

Balbir Singh

... Petitioner(s)

Versus

State of Punjab & others

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Rajvir Singh, Advocate
for the petitioner(s).

Mr. Sinish Girdhar, AAG, Punjab.

ANOOP CHITKARA, J.

1. Seeking protection of his life and liberty at the hands of respondents no.4 to 7, who by misusing their powers threatening him and implicated him in false case, the petitioner, who is complainant in case FIR No.14 dated 13.9.2022 under Section 7 of the Prevention of Corruption Act, 1988, Police Station Vigilance Bureau, Phase-1, Mohali registered against respondent no.6, has come up before this Court by filing the present writ petition under Section 226 of the Constitution of India.

2. Petitioner's counsel submits that the petitioner is apprehending threat to his life at the hands of respondents no.4 to 7 namely Sunil Kumar Sharma, SHO, Sikander Singh, ASI, Som Nath, ASI and Karnail Singh, ASI, respectively, who are misusing their powers, because the petitioner had lodged FIR No.14 dated 13.9.2022 under Section 7 of the Prevention of Corruption Act, 1988, Police Station Vigilance Bureau, Phase-1, Mohali against respondent no.6 ASI Som Nath and in order to take revenge, they are trying to implicate him in false case. They had implicated him in FIR No.281 dated 22.9.2023 under Section 304 IPC Police Station Kharar, District SAS Nagar and FIR No.320 dated 14.11.2022 under Section 22 NDPS Act without any rhyme or reason and there is apprehension that he will be implicated in more cases.

3. On 12.12.2022, this Court had issued notice to the official respondents

4. State has filed reply by way of affidavit of Superintendent of Police (Rural), District SAS Nagar, the relevant part of which reads as under:-

- “5. That it is further submitted that in order to ensure that no harm is caused to the present petitioner or his family members, the answering respondent had directed the SHO Police Station City Kharar to ascertain the threat perception from the petitioner and take necessary measures in that regard. Accordingly, the SHO Police Station City Kharar contacted the petitioner from his mobile no. 77101-11948 on mobile no. 90417-28188 of the petitioner and made inquiry. Though no imminent threat was reported by the petitioner, however, to ensure his safety, he was asked to immediately report the matter with SHO Police Station City Kharar, in case of any difficulty and the Incharge PCR was directed to increase patrolling in his area. On return DDR No. 19 dated 16.12.2022 was recorded at Police Station City Kharar, in that regard.
6. That it is respectfully submitted that so far as the allegations leveled by the petitioner in his complaint dated 14.11.2022 are concerned, it is submitted that the answering respondent is examining the matter and it is pending inquiry. On completion of inquiry, the final report would be submitted with Senior Superintendent of Police, District S.A.S Nagar and after his approval, the consequent legal action, if any, would be taken as per law. However, the answering respondent requires some more time for completion of inquiry.

Therefore, it is most humbly submitted that the answering respondent be granted some reasonable time for completion of inquiry in complaint dated 14.11.2022 moved by the petitioner. Further with regard to threat to life of the petitioner, no imminent threat was reported by the petitioner, however, to ensure his safety, he was asked to immediately report the matter with SHO Police Station City Kharar, in case of any difficulty and the Incharge PCR was directed to increase patrolling in his area.”

5. In view of the reply filed on behalf of the State, it appears that there is no such threat perception to the petitioner, however, considering the serious nature of allegations, 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 SHO ascertains the threat perception to the petitioner by personally interacting with the petitioner within two days from today and in case he finds threat perception to be genuine, then he shall 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 officer shall extend the protection on day-to-day analysis of the ground realities or upon the oral or written request of the petitioner. The concerned SHO shall also provide him protection on the date of deposition before the trial Court and shall ensure his appearance in trial Court well before time and his safe return. Petitioner shall communicate to the SHO concerned the date of deposition before the trial Court well in advance at least one day in advance.

6. 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.

7. 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.

8. **This order shall eclipse after fifteen days from today.** In case the petitioner still apprehends any threat, it shall be permissible for him to take appropriate legal remedies.

9. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner 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 allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

December 12, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes