

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRWP-12061-2022

Decided on : 24.05.2023

Imran and another

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner(s).

Mr. Pawan Kumar Jhanda, DAG, Haryana.

Mr. Saleem Ahmed, Advocate
for respondents No.5 to 7.

Mr. Tarun Deora, Advocate
for respondents No.8 to 13.

SANJAY VASHISTH, J. (Oral)

1. At this stage of preliminary hearing, on 22.12.2022 following order was passed:

“Present: Mr. Nafees Ahmad Khan, 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 to 4, to provide protection of lives and liberty to the petitioners, at the hands of private respondents No. 5 to 13.

Counsel for the petitioners submits that 200 dumpers from Rajasthan Delhi Alwar Road Nuh- Ferozepur Jhirka are involved in the illegal mining during night period and respondents No. 5 and 6 are involved in the said mining. They used to park their heavy vehicles on both sides of the road of village Rewasan to Delhi Alwar Road and KMP and local administration had not been taking any remedial steps despite pointing out of illegal mining and parking of the vehicles by the petitioners.

In this regard, petitioners have allegedly moved a representation dated 15.11.2022 (Annexure P-1) to Director General of Police, Haryana (respondent No.2). But till date, no action is being taken.

Learned counsel also submits that on 16.11.2022, a phone call was made to petitioner No. 2 and he was called at house of his uncle at Hiarmathla and forcibly signatures was obtained from him on blank papers. Thereafter, on 22.11.2022, when both the petitioners were at home, respondents No.5 to 13 alongwith 10-12 more persons entered the house of petitioner No. 2 and started damaging all the goods lying in the house and also caused injuries to the petitioners.

In this regard one FIR No. 233 dated 24.11.2022, under Sections 323, 324, 429, 506, 148 and 149 IPC, 1860 was registered at Police Station Rozka Meo, District Nuh. Grouse of

the petitioners is that private respondents are of attitude of criminal activities and all the times petitioners have apprehensions of danger to their lives and liberty.

Learned counsel for the petitioners further submits that petitioners have been threatened by the private respondents on the facebook accounts also and photocopies of screen short of said threat are also annexed with the petition.

In the context of threat perception at the hands of private respondents, petitioners have allegedly moved a representation dated 09.12.2022 (Annexure P-3) to Director General of Police, Panchkula, wherein, all the apprehensions have been expressed. But till date, neither the same is inquired into, nor any actions is being taken thereupon.

Notice of motion for 13.02.2023..

n asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, accepts notice on behalf of respondents No. 1 to 4 (State). He seeks time to file status report.

Meanwhile, respondent No. 2 – Director General of Police, Haryana, is also directed to look into the representation dated 09.12.2022 (Annexure P-3), and in case any truth is found in regard to the apprehension of lives and liberty of the petitioners, appropriate steps in accordance with law be taken to ensure security of life of the petitioners.”

2. Learned State counsel while referring to the status report dated 17.03.2023 already filed by the State on behalf of respondents No.1 to 4, refers to Paragraph No.12 & 13 of the same, which says as under:

“12. That in view of the reports submitted by ASP, Nuh as well as SHO, PS Rojka Me and facts and evidences as well as statements of both parties all the allegations levelled by complainant / petitioners were found false and fabricated and no any apprehension was found to the petitioners at the hands of the private respondents. In view of the order passed by the Hon'ble High Court, directions have been issued to SHO Rojka Meo to keep close vigil on the situation and to continue patrolling by PCR and Riders in the village Rewasan and ERV-112 also available in nearby places for security of the petitioners.

13. That it is also pertinent to mention here that the local police has contacted to petitioners for providing the police protection to them, upon which they have stated that police protection is not required at this time, when, police protection is required to them they will be obtained by moving complaint to the local police. Further, the petitioners have neither contacted to local police/concerned police station for obtaining the police protection nor produce any evidence regarding the threat to their life and liberty. However, the local police is always ready o provide the police protection as and when required to them. y That in compliance of the order dated 22.12.2022, (mentioned above), vide which directions were issued to the respondent No.2 i.e. the Director General of Police, Haryana, who has been decided the representation dated 09.12.2022 (Annexure P-3) by passing a speaking order vide their officer memo no. 2543-45/CR-3 dated 12.02.2023. A copy of the said speaking order is annexed as Annexure R-1.

It is, therefore, respectfully prayed that the present status report may kindly be taken on record and the present petition may kindly dismissed in the interest of justice.”

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3. Thus, learned State counsel submits that no substance has been found in the allegations levelled by the petitioners. Moreover, petitioners themselves have informed the local police that the petitioners do not require any protection at this time.
4. On previous date of hearing on 20.03.2023, there was no representation on behalf of the petitioners.
5. Today also, no one has put in appearance on behalf of petitioners.
6. Be that as it may, this Court itself has gone through the reply filed by the State and has noticed that due attention and care has been given to the grouse of the petitioners and an assurance for providing the police protection as and when need arises has also been detailed in the status report.
7. Believing the stand of the State as taken in the status report, I am of the view that no issue is left for this Court to entertain the prayer made in the petition regarding providing protection to the lives and liberty of the petitioners.
8. Thus, in view of the observations made hereinabove, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

May 24, 2023
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No