

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRWP-11918-2023 (O&M)

Date of order: 11.12.2023

Chaittnya Aggarwal

... Petitioner(s)

Versus

State of UT Chandigarh & others

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Ms. Tejaswini, Advocate
for the petitioner(s).

Mr. Manish Bansal, PP, UT, Chandigarh with
Mr. Saksham Parmar, Advocate and
Mr. Ankush Singla, Advocate

ANOOP CHITKARA, J.

1. Fearing for his as well his family's life and liberty at the hands of the private respondents, the petitioner, invoking the fundamental right of life guaranteed under Article 21 of the Constitution of India, has come up before this Court seeking protection through the State.

2. Notices served upon the official respondent through the UT's counsel and he seeks pass over to have instructions.

3. When the matter was taken up in first call, Mr. Manish Bansal, PP, UT, Chandigarh sought time to get better instructions and the matter was passed over and now, the matter has again been taken in second call.

4. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.

5. In nutshell, the main argument of Mr. Sidhu, learned senior counsel appearing on behalf of the petitioner is that the petitioner, his wife Ruchika Aggarwal and his two minor daughters are apprehending threats to their life and liberty at the hands of

private respondents. The petitioner has mentioned detailed reasons for financial issues between him and the private respondents, which might be the reason for such apprehension. As such, this Court is not adjudicating upon any such ground and it is for this reason that no notice was issued to the private respondents. Except, the limited prayer of the petitioner regarding apprehension of threat to their life and liberty, there is no adjudication on admissibility of any of the pleas regarding any finances taken by the petitioner, mentioned anywhere in the petition.

6. Mr. Bansal, learned PP, UT, Chandigarh submits that no complaint has been received in any Police Station of Chandigarh at the behest of the petitioner or his wife or minor daughters. He further submits that in case of any such threat, there is Helpline No.112 to report such matters and even as per his instructions, neither the petitioner nor any of his family members has called on said Helpline number. His next contention is that since the allegations pertain within a building premises, as such in absence of any complaint, it would be inappropriate for the police to enter somebody's home and therefore, they do not have any instructions regarding the allegations.

7. On the other hand, learned senior counsel representing the petitioner submits that Article 21 of the Constitution of India is supreme and there is no necessity for the petitioner to first make a call on Helpline No.112. He submits that given the profile of respondent no.2, if they have straightaway come to this Court, it cannot be a ground to refuse protection to their life and liberty.

8. Without commenting on the merits of the case, admissibility or evidentiary value of any of the allegations mentioned in the petition and keeping in mind that there is no material before this Court to doubt or disbelieve any of the allegations, however, their apprehension of threats to their life and liberty, if this Court does not give them protection for the time being, that might amount to not exercising the constitutional jurisdiction.

9. Thus, in the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Superintendent of Police and the concerned SHO provide appropriate protection to the petitioner for one week from today. As such, respondent no.1 is directed to ensure protection of petitioner and his family and direct the concerned Superintendent of Police/SHO to provide them protection for a period of one week. However, if the petitioner no longer requires the protection, then at their request, it may be discontinued even before the expiry of one week.

10. This protection is subject to the stringent condition that from the time such protection is given, the petitioner and his wife 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. However, this restriction is not imposed upon the petitioner’s minor daughters. This restriction saves the petitioner and his wife from apprehended risk and ensures that the protection is not flaunted or misutilized.

11. It is clarified that in case the petitioner or his wife violates any of the conditions even for once, then this order of protection shall stand recalled automatically without any reference to this Court and it shall be permissible for the deployed police personnel to leave the premises of the petitioner after informing the concerned SHO/Superintendent of Police through electronic mode or sending a message. In case such SHO/Superintendent of Police receives such message of violation of order of this Court, then he/she shall call back the said police personnel immediately. It is again 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.

12. **This order shall eclipse on Dec 19, 2023 at 2 PM.**

13. *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 11, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes