



CRWP-3793-2024

-1-

228

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-3793-2024

Date of Decision:- 24.07.2024

Aakash @Aakashdeep @Bhalu

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Manu Loona, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab
for respondents No. 1 to 3-State.

Mr. Rhythem Bajaj, Advocate
for respondent No. 5.

AMARJOT BHATTI, J.

1. Petitioner Aakash @Aakashdeep @Bhalu has filed petition under Article 226 of the Constitution of India for issuance of appropriate direction to respondents No. 2 and 3 to protect life and liberty of petitioner from private respondents No. 4 and 5.

2. It is alleged that present petitioner was an eye witness in a murder case bearing FIR No. 120 dated 12.12.2015, under Sections 302, 307, 326, 148, 149 of Indian Penal Code, 1860, registered at Police Station Bahaw Wala, District Fazilka, in which all accused were convicted and sentenced to undergo imprisonment for life vide judgment of conviction dated 08.08.2019 passed by learned Additional Sessions Judge-cum-Judge, Special Court, Fazilka, in Sessions Case No. 32 of 2016. Accused were released on parole. However, respondent No. 4 Harpreet Singh @Harry has

**CRWP-3793-2024****-2-**

not surrendered back after parole period. He is making threatening calls to petitioner on Whatsapp with the aid of respondent No. 5. Respondent No. 4 is hardcore criminal and he is nursing grudge against him. One representation was submitted to Senior Superintendent of Police, Fazilka by brother of petitioner for protection of his life and liberty but no action was taken. Representation dated 26.03.2024 is Annexure P-2. Earlier, he has filed Criminal Writ Petition No. 3010 of 2024, titled "Aakash and another Versus State of Punjab and others" which was disposed of vide order dated 08.04.2024, copy of which is Annexure P-3. In that case, respondent No. 2 was directed to consider and decide representation in accordance with law within 15 days from the receipt of certified copy of order. No action is taken by respondents No. 2 and 3. Petitioner further disclosed that he is also facing criminal trials which are detailed in para No. 10 of petition, according to which he is acquitted in three cases, whereas, trial is pending in respect of other cases. It is submitted that life and liberty of petitioner be protected from the hands of respondents No. 4 and 5.

3. Senior Superintendent of Police, Fazilka was directed to look into the matter and to assess threat perception and if situation so warrants, to do needful in accordance with law as an interim measure vide order dated 30.04.2024.

4. Notice was issued to respondents. Mr. Rhythem Bajaj, Advocate appeared on behalf of respondent No. 5 and filed his Vakalatnama, which is taken on record, subject to just exceptions. Regarding respondent No. 4, it is report that he is not residing on the given address.

**CRWP-3793-2024****-3-**

5. Learned counsel representing the State has filed detailed status report confirming that respondent No. 4 Harpreet Singh @Harry has jumped parole and he has not surrendered before the jail authorities. Effort is being made to apprehend him. Regarding present petition, it is submitted that petitioner is involved in 17 criminal cases. He has approached this Court as he apprehend threat for him and his family members. In status report, it is claimed that petitioner approached this Court only on the basis of suspicion and it is further mentioned that on inquiry, it was found that there was no threat perception to life and liberty of petitioner and his family members from the hands of convict/Harpreet Singh @Harry who has jumped parole.

On the other hand, it is further reported that PCR of Police Station City-I, Abohar has been directed to keep surveillance on the house of petitioner regularly. SHO of Police Station City-I, Abohar has been directed to depute police officials to conduct patrol duty around the house of petitioner and to take suitable action in case there is any suspect. Petitioner has been provided mobile phone number of SHO and MHC for the purpose to inform them immediately in case of any threat. CCTV camera has been installed in house of petitioner but he did not allow to examine CCTV footage. It was further mentioned that there was no need to provide security guard to petitioner at this stage.

6. I have considered the petition as well as status report filed by learned counsel representing the State. In status report, several measures have been detailed which are taken to keep a watch and to provide security to petitioner and his family members. It cannot be denied that there is threat perception to petitioner and his family since he was a witness in murder



CRWP-3793-2024

-4-

trial in which all accused were convicted and now one of the convict i.e. respondent No. 4 who came on parole did not surrender back, resultantly, jumped parole. Obviously, he is a serious threat to petitioner and his family. Even if petitioner is involved in several criminal cases that does not mean that he is not entitled to security in the given facts and circumstances of case.

Therefore, considering threat perception, respondents No. 2 and 3 are directed to protect life and liberty of petitioner and his family till respondent No. 4 Hapreet Singh @Harry is apprehended by police. In case petitioner files any application for providing security guard at his own cost, competent authority may consider the same as per rules and to pass appropriate orders.

- 7. Petition is accordingly, disposed of.
- 8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

24.07.2024
lalit

(AMARJOT BHATTI)
JUDGE

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