

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRWP-5544-2023

Date of Decision:-21.02.2024

Gurnaib Singh

.....Petitioner

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ankur Bansal, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab
assisted by ASI Mahi Pal.

Mr. P.S. Ahluwalia, Advocate with
Ms. Bhavi Kapur, Advocate for respondents No.9,11 and 12.

ALOK JAIN, J. (Oral)

1. This petition has been filed under Article 226 of the Constitution of India for issuance of an appropriate writ order or direction in the nature of mandamus directing the respondents No.2 to 4 to protect the life and liberty of the petitioner at the hands of private respondents along with other prayers.

2. Heard, learned counsel for the parties at length and the counsel for both the parties are *ad idem* that the present petition be disposed of with a direction to the respondents-authorities to abide by the provisions of law.

3. At the outset, counsel for respondents No.9,11 and 12 submits that the other prayer made in the present petition apart from protection of life and liberty are beyond the scope of criminal jurisdiction to which the counsel for the petitioner submits that all his prayers be left open to be agitated before appropriate forum, but directions be issued to comply with

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the provisions of Sections 41/41-A and Section 160 of Cr.P.C.

3. In light of the above, without commenting upon the merits of the case, the present petition is disposed of with a direction to respondent-authorities to abide by the provisions of Cr.P.C. especially under Section 41/41-A and Section 160 of Cr.P.C. and proceed in accordance with law.

4. However, at this stage, learned counsel for the petitioner submits that since the petitioner is facing immense pressure from the higher Police Authorities and he himself is in a Government service, any communication to the petitioner be routed through the concerned Deputy Commissioner under whom he is posted, however, it will be incumbent upon the petitioner to inform his posting to the authorities every six months or as and when any change occurs. Ordered accordingly.

5. The present petition stands disposed of with above direction.

6. It is made clear that filing or pendency of this petition or any order/direction passed in this petition shall not be an *alibi* or defence to the petitioner, in case, he is found involved in any illegal activity and /or in violation of any law qua which the respondent-Authorities shall take appropriate action, in accordance with law.

(ALOK JAIN)
JUDGE

February 21, 2024

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No