

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

(215)

**CRWP-7979-2021****Date of decision: - 13.03.2024****Vivek Kaushal and another****....Petitioners****Versus****State of Punjab and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Satwant Singh Rangi, Advocate  
for the petitioners.

Ms. Neha Sonawane, DAG, Punjab.

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**VIKAS BAHL, J. (ORAL)**

1. Present criminal writ petition has been filed under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. for issuance of direction to respondent No.2 to protect the life and liberty of the petitioners at the hands of respondent No.4. Other prayers have also been made in the present petition.

2. On 23.08.2021, a Co-ordinate Bench of this Court was pleased to pass the following order: -

*“Counsel for the petitioners, inter alia, contends that at the first stage, FIR No.3 dated 04.01.2019 (Annexure P-1) was lodged against respondent no.4 and a Special Investigating Team was also formed, which had found that the said respondent no.4 was involved in the said incident, wherein even the Commandant-cum-Deputy Director, Punjab Police Academy and the other government officials had been assaulted and the vehicles had been damaged. It was further found that the said respondent no.4 had even a friendly gunshot on the*

*left thigh of his companion so that a cross case could be lodged. It is submitted that on account of the State machinery, colluding with the said respondent no.4 who is supposed to be an henchman of respondent no.5, the petitioners were constrained to file CRM-M No.2524 of 2021, wherein the status report has been called for from the State as investigation was not being completed. It is submitted that now petitioner no.2, along with his companions, have been brutally assaulted and the incident, as such, has been captured in the CCTV cameras (Annexure P-7). However, the FIR was lodged only qua bailable offences in order to favour the said persons. It is submitted that even on an earlier occasion, the petitioners had been representing for protection of their lives and liberty on account of the involvement of respondent no.5.*

*Notice of motion.*

*Ms. Rashmi Attri, AAG, Punjab, accepts notice on behalf of respondents no.1 to 3 and prays for time to have instructions. Soft copy of the paper book be supplied to the State counsel during the course of the day.*

*Let status report be filed by respondent no.2, within a period of two weeks from today, failing which costs of Rs.10,000/- each will be payable to the petitioners.*

*To come up for service upon respondents no.4 and 5, by way of dasti process, on 13.09.2021.*

*In the meantime, respondent no.2 shall also look into the representations made by the petitioners and take appropriate steps to ensure that the petitioners' lives and liberty is not put under the threat by the accused persons or their associate.*

**August 23, 2021**

**(G.S.Sandhawalia)  
Judge”**

3. Learned counsel for the petitioners has submitted that in pursuance of the said order, vide rapat No.13 dated 31.08.2021, the petitioners were provided one gunman on temporary basis. It is submitted that the said fact has not been denied by the learned State counsel.

4. Learned counsel for the petitioners as well as learned State

counsel have jointly submitted that the present petition be disposed of by keeping the said arrangement alive and in case the State find(s) that there is input to the effect that there is no apprehension on the life and liberty of the petitioners, the State would give three weeks' notice to the petitioners to enable them to avail the legal remedy before withdrawing the said gunman.

5. Keeping in view the above-said facts and circumstances and the joint prayer made by the learned counsel for the parties, the present petition is disposed of with a direction to the respondent-State to continue with the present arrangement of providing one gunman to the petitioners and in case of change of threat perception, if the competent authority of the State is of the opinion that the said gunman is to be withdrawn, then, three weeks' notice be given to the petitioners so as to enable them to avail remedy in accordance with law.

March 13, 2024  
naresh.k

( VIKAS BAHL )  
JUDGE

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |