

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CWP-19740-2019

Date of decision: 06.03.2024

MANJEET YADAV

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Vivek Suri, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present writ petition is for seeking issuance of directions to respondents to compensate the petitioner.
2. Learned counsel appearing on behalf of the petitioner contends that the petitioner was enrolled as an Advocate in the Bar Council of Punjab and Haryana, having enrollment No. P/120/2010 and was practicing in District Court, Rohtak. It is contended that on 28.03.2017, petitioner was coming out of the District Court Complex, Rohtak and reached near the main gate for going to the Chambers, however, in the meantime some miscreants started indiscriminate firing on some persons who were coming out of the Court. The petitioner received a bullet injury which appears to be on the upper left arm whereupon he was taken to the PGIMS, Rohtak but on account of absence of proper treatment he was shifted to the Oscar Super

Speciality Hospital and Trauma Centre Medical Mor, Rohtak. An FIR No. 123 dated 28.03.2017 was registered under Sections 25/54/59 of the Arms Act read with Sections 148/149/302/307 of the Indian Penal Code, 1860. He argues that the petitioner had sustained bullet injury on account of the gang war and had to incur heavy expenses. The injuries were due to failure on part of the respondent-State to ensure public law and order and the same is in breach of the obligation cast.

3. Written statement had been filed on behalf of respondents No.1 to 5 wherein the factual aspects averred by the petitioner are not disputed or denied. It is also acknowledged that the petitioner had suffered injuries in the said incident and thus he has filed the present writ petition. It is, however, denied that there was any negligence on the part of the officials or the office bearers that they had performed their duties as stated therein.

4. I have heard learned counsel appearing on behalf of the respective parties. The claim for compensation is based upon a tortious claim of negligence on the part of the respondents in maintaining law and order and failure to perform law and order.

5. Thus, it is a claim which is based upon an alleged failure of performance of the sovereign duties. The aspects as to whether the respondents were in breach or had been negligent in performance of their duties is a disputed question of fact which cannot be gone into by this Court at this stage. The present writ petition is accordingly dismissed. However, liberty is granted to the petitioner to pursue his remedy before the Civil Court and to claim such compensation by leading an affirmative evidence.

6. The period during which the present writ petition has remained pending before this Court shall be computed and taken into consideration by the Court in the event of the petitioner approaching before the Civil Court for institution of the petition.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 06, 2024
Vishal sharma

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