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CRWP No.7725 of 2024

109 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.7725 of 2024
Date of Decision: 12.08.2024

Sukhwinder Kaur ...Petitioner
Versus
State of Punjab and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Sheokhand, Advocate for the petitioner.
Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

Apprehending threat to life and liberty at the hands of the private respondents, the petitioner, invoking the fundamental right of life guaranteed under Article 226/ 227 of the Constitution of India for issuance of writ in the nature of *mandamus*, has come up before this Court seeking protection through the State.

- 2. Counsel for the petitioner submits that petitioner is now in United States of America and she is returning shortly and there is apprehension of threat to her life and liberty.
- 3. Notice served upon the official respondent through State counsel. 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
- 4. If the allegations of apprehension of threat to life turn out to be true, it might lead to an irreversible loss. Thus, in the facts and circumstances peculiar to this case, the petitioner shall inform the SSP/SHO concerned on her arrival to Mohali and the concerned officer to whom such powers have been delegated or have been authorized in this regard, shall provide appropriate protection to the petitioner for one week from the day when the petitioner arrives at Mohali, by deputing a female officer/ official. However, if the petitioner no longer requires the protection, then at her request, it may be discontinued even before the expiry of one week. After that, the concerned officers shall extend the protection on day-to-day analysis of the ground realities or upon the oral or written request of the petitioner in accordance with law. This protection is subject to the condition that she will not enter into the disputed property.

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5. The protection is subject to the stringent condition that from the time such protection is given, the petitioner shall refrain from attending parties, bars, picnics or any area that may pose a risk to his life. The SHO should send police officer(s) to petitioner’s home to assess the required level of security. Once the assessment is done, the officer should provide adequate security without the petitioners having to contact him.
6. It is clarified that if the petitioner visits any disputed place of property and the security officer become aware of it, they should advise the petitioner to avoid going there. If the petitioner still insist on going, the officer has the right to return to the police station due to petitioner’s defiance of the order.
7. It is 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.
8. **This order shall eclipse after fifteen days from the day when petitioner arrives in India.**
9. *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

12.08.2024

Sonia Puri
Whether speaking/reasoned: Yes
Whether reportable: No.