

2024:PHHC:111239



CRM-M No.41976 of 2024

114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.41976 of 2024
Date of Decision: 29.08.2024

Rajiv Kumar @ Raju ...Petitioner
Versus
State of Punjab and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sikandh Mehta, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab
(Through video conferencing).

ANOOP CHITKARA, J.

Apprehending threat to life and liberty at the hands of respondent Nos.4 & 5, the petitioner, deserted by his wife alongwith child, respondent No.5, has come up before this Court under Section 528 BNSS seeking directions to official respondents to enquire into complaints dated 11.05.2024 and 12.08.2024 and seeking protection through the State.

2. The petitioner’s wife is an adult and she has right to live the way and with whomsoever she wants. As such, the prayer to that extent cannot be entertained under section 528 BNSS and as such liberty reserved to the petitioner to avail legal remedy in accordance with law.

3. Counsel for the petitioner further prays for protection of his life and liberty from respondent No.5-Raja @ Makhan Singh as he has been threatening the petitioner.

4. 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

5. 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 SSP/SHO concerned or the concerned officer to whom such powers have been delegated or have been authorized in this regard, shall provide appropriate protection to the petitioner after analysis of the ground realities or upon the oral or written request of the petitioner in accordance with law for a period of 15 days from today. However, if the petitioner no longer requires the protection, then at his request, it may be discontinued even before the expiry of said period.

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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 today.**
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

29.08.2024

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