

**CRWP-4966-2024**

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

CRWP No.4966 of 2024
Date of Decision: 28.05.2024

Rajinder Singh and another ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Dr. Gurjit Kaur, Advocate
for the petitioners.

Ms. Swati Batra, DAG, Punjab (Through VC).

ANOOP CHITKARA, J.

Apprehending threat to their life and liberty at the hands of the private respondents, invoking the fundamental right of their life guaranteed under Article 21 of the Constitution of India, seeking protection through the State and also to quash the General Diary Details No.20 dated 27.08.2023 (P-5) and Kalandra Proceedings u/s 107/150 CrPC including subsequent proceedings arising from the same, petitioners have come up before this Court by filing the present petition.

2. Notices served upon the official respondents through the State's 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. However, counsel for the State opposes the present petition on the ground of mis-joinder of prayers.

3. Facing the strict opposition from the State, petitioners' counsel confines her prayer to protection of life and liberty and further prayed that she be given liberty to file separate petitions for other prayers.

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4. Prayer is accepted. Present petition is considered only for protection of life and liberty and petitioners shall be at liberty to file separate petitions for other prayers.

5. Given above, 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, it shall be appropriate that the concerned Superintendent of Police, or any officer to whom such powers have been delegated or have been authorized in this regard, provide appropriate protection to the petitioners for one week from today. However, if the petitioners no longer requires the protection, then at his 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 petitioners.

6. The protection is subject to the stringent condition that from the time such protection is given, the petitioners shall not go out of his house unnecessarily and shall certainly refrain from attending parties, bars, picnics or any area that may pose a risk to their life. The SHO should send police officer(s) to petitioners' 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 them.

7. It is clarified that if the petitioners visits any disputed place and the security officer become aware of it, they should advise the petitioners to avoid going there. If the petitioners still insists on going, the officer has the right to return to the police station due to petitioners' defiance of the order.

8. 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 petitioners are required in any cognizable case. It shall also be open for the petitioners to approach this Court again in case of any fresh threat perception.

9. **This order shall eclipse after fifteen days from today.**

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10. *There would be no need for a certified copy of this order, and any Advocate for the Petitioners 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 partly allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

28.05.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.