HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No. 2077/2024

Shri Girdhari Gupta S/o Shri Ramswarup Gupta, Resident of Khedali, Police Station Bamanwas, Sawaimadhopur, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. SHO, Police Station Bamanwas, District Sawai Mdhopur.
3. Vikram Singh @ Vikki S/o Hansraj @ Baliya, Resident Of Khedali, Police Station Bamanwas, Sawai Madhopur, Rajasthan.
4. Shaitan Singh S/o Raghuveer, Resident Of Khedali, Police Station Bamanwas, Sawai Madhopur, Rajasthan.
5. Ramraj Gurjar S/o Mewasi Gurjar, Resident Of Khedali, Police Station Bamanwas, Sawai Madhopur, Rajasthan.
6. Kaptan Singh @ Kaptan Gurjar S/o Raghuveer, Resident Of Khedali, Police Station Bamanwas, Sawai Madhopur, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Sankalp Todi
For Respondent(s) : Mr. Vivek Choudhary, PP

JUSTICE ANOOP KUMAR DHAND

Order

04/12/2024

1. The petitoner has preferred this petition for issuance of necessary directions to the official-respondents to provide adequate security and protection to them on the ground that

he is facing grave threat to his life and liberty at the hands of private respondent(s).

2. Learned counsel for the petitioner submits that Article 21 of the Constitution of India provides for right to life and personal liberty under the ambit of fundamental rights and any threat to the same amounts to violation of the same.

3. Counsel for the petitioner submits that prior to approaching this Court the petitioner has already submitted representation before the concerned Station House Officer and the Nodal Officer pursuant to the orders passed by the Co-ordinate Bench of this Court in the case of **Suman Meena vs. State of Rajasthan (S.B. Criminal Writ Petition No.792/2024).** Counsel submits that appropriate directions be issued in favour of the petitioner.

4. It is well settled legal position as expounded by the Hon'ble Supreme Court in the cases of **Lata Singh Vs. State of UP, reported in AIR 2006 SC 2522, S. Khushboo Vs. Kanniammal, reported in (2010) 5 SCC 600, Indra Sarma Vs. VKV Sarma reported in (2013) 15 SCC 755 and Shafin Jahan Vs. Asokan KM reported in (2018) 16 SCC 368** that the life and personal liberty of the individuals has to be protected except according to procedure established by law, as mandated by Article 21 of the Constitution of India. Further, as per Section 29 of the Rajasthan Police Act, 2007 every police officer is duty bound to protect the life and liberty of the citizens.

5. Considering the arguments put forward by the learned counsel for the petitioner and looking to the fact that the petitioner has already submitted appropriate representation/application seeking protection before the Nodal Officer as well as concerned Station House Officer, it is expected from the officers concerned to look into the matter in terms of the directions issued by this Court in the case of **Suman Meena** (supra) and ensure that after analyzing the threat perceptions, if necessitated, may pass necessary orders to provide adequate security and protection to the petitioner.

6. It is made clear that any observation in this order shall not affect any criminal and civil proceeding initiated against the petitioner.

7. With the aforesaid observations, the instant criminal writ petition stands disposed of. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

KuD/375