



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CRWP-596-2023

Date of decision: 06.02.2025

MANOJ TRIPATHI

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed under Article 226 of the Constitution of India seeking directions to respondents No.2 to 4 to protect the life and liberty of the petitioner at the hands of respondents No.5 and her second husband and with a further prayer to consider his representation dated 09.01.2023 (Annexure P-2).

2. Reply dated 17.03.2023 by way of an affidavit of Rajender Singh, HPS, Assistant Commissioner of Police, City, Gurugram, has already been filed on behalf of respondents No.1 to 4-State, wherein it has been stated as under:-

“4. That during the course of investigation of the said FIR, the petitioner was arrested on 26.06.2014 and later on, he was granted bail by the Ld. Court. The challan against him was submitted in the Ld. Court on 12.08.2014. During the course of trial, the petitioner did not appear in the Ld. Court and his bail was cancelled on 03.10.2017.

5. That the petitioner was declared proclaimed person by the Ld. JMIC, Gurugram on 16.02.2018, after completing due

formalities. The proceedings of trial were consigned on the same date. The petitioner is still continuing to be proclaimed offender. Thus, the petitioner is not entitled to seek any protection as first of all, the petitioner is required to join the proceedings of the above mentioned FIR. The copy of PO order dated 16.02.2018 is attached herewith as Annexure R-1.

- 6. That the petitioner is taking the wrong plea in the present petition that if he does not come to Gurugram to attend the proceedings, he will be declared as proclaimed offender. In fact, the petitioner has already been declared proclaimed person in the present case on 16.02.2018.*
- 7. That as per address given by the petitioner in the memo of parties in present petition, he is residing at Village Billoti Shahpur, District Bhojpur (Ara), Bihar. Thus, it is not possible for Gurugram Police to give him protection at his given address.*
- 8. That so far as the alleged representation dated 09.01.2023 allegedly addressed to the Commissioner of Police, Gurugram is concerned, it is submitted that as per available record, the said representation has not been found to be received in the office of the Commissioner of Police, Gurugram.*
- 9. That ASI Pardeep, P.S. City, Gurugram contacted the respondent no. 5 Tanya Tiwari and her parents Ram Baccha Tiwari and Girija Devi and recorded their statements. The respondent no. 5 Tanya, in her statement dated 10.03.2023, has stated that she is residing with her parents at Gandhi Nagar, Gurugram and that she has not solemnized second marriage with any person nor she resides in any live-in relationship with any person. Her divorce with her husband Manoj Tripathi has not taken place. She further stated that her husband Manoj Tripathi is leveling false allegations against her just to escape from the Court proceedings. The statement of the respondent no. 5 is attached herewith as*

Annexure R-2. The parents of the respondent no. 5 also reiterated the version of the respondent no. 5. The statements of parents namely Ram Baccha Tiwari and Girija Devi are attached herewith as Annexure R-3 and Annexure R-4.”

3. Since the petitioner has been declared proclaimed person vide order dated 16.02.2018, therefore, no relief can be granted in the present petition.

4. In view of the above, the present petition is disposed of accordingly.

06.02.2025
Nisha Yadav

(NAMIT KUMAR)
JUDGE

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