

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-5169-2025

Decided on 21.05.2025

Maulana Arshad Hussain

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Vipul Aggarwal, Advocate and
Mr. Sumit Gupta, Advocate for the petitioner

Mr. Chetan Sharma, DAG Haryana

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ of habeas corpus directing the official respondents to protect the life and liberty and property of the petitioner by providing adequate police protection against respondents No.4 to 9. In this regard, he is stated to have made various representations including dated 21.04.2025 and 24.04.2025 (Annexures P1 & P2).

(2). Learned counsel for the petitioner submits that the petitioner is running an NGO and helps the poor persons in performing marriage of their daughters/sisters and for this reason, the villagers have become inimical towards him. He also submits that the petitioner is not able to go outside even to attend the court proceedings lodged him by the villagers though there is no mention of such criminal cases against the petitioner.

(3). When this case came for preliminary hearing on 19.05.2025, learned State counsel, on advance notice, informs the court that the petitioner is involved in 48 other cases. Though learned counsel for the petitioner prayed for

withdrawal of the petition, however, since prima facie, the petitioner was found purposely absconding the court proceedings, this Court directed him to remain present in Court.

(4). Today, the petitioner has come present and has not been able to satisfy the court's query as to how a person absconding from the process of law could be extended the discretionary relief under Article 226/227. As per the list furnished by learned State counsel, production warrants have been issued against the petitioner in four cases and apparently, it is the cruel tact on the part of the petitioner to avoid the process of law under police protection.

(5). This Court is of the considered opinion that a person who is absconding from the process of law is generally not entitled to seek protection or relief under the extraordinary writ jurisdiction of the High Courts under Article 226 or supervisory jurisdiction under Article 227 of the Constitution. This principle is rooted in the idea that a person who deliberately evades the legal process or has concealed the material facts from the court, should not be allowed to invoke the court's discretionary and equitable powers. The petitioner appears to be intending to flout law and avoid due process, thereby forfeiting his right to seek equitable relief from the court.

(6). The rationale is that the prayer for grant of police protection is a discretionary remedy, meant for those who approach the court in good faith and not for those who are deliberately avoiding the law. Courts have consistently rejected petitions for police protection filed by absconders, emphasizing that judicial discretion cannot be exercised in favor of those who are willfully avoiding legal proceedings.

(7). In view of the above discussion, this petition is dismissed being misleading with costs of Rs.1 lakh imposed on the petitioner which shall be deposited with Chandi Kusht Ashram Society, (Account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C Chandigarh within a period of 2 months from receiving the certified copy of this order and the receipt of the payment be submitted with Registrar (Judicial) of this Court.

(8). Ordered accordingly.

21.05.2025

V.Vishal

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No