

144 of the Code of Criminal Procedure, 1973, read with Haryana Government and Home Department notification No.S.O. 68/H.A. 2008/25/S.8, 9, 10 and 83/2011 I, Ashok Kumar, IPS, Deputy Commissioner of Police, Panchkula do hereby prohibit as a measure of emergency, carrying of any weapon of offence like Swords (Except Sheathered Kirpans used as genuine religious symbols by Sikhs), Lathies, Dandas, Iron Rods, Burchhas, Kulharis, Umbrellas etc. and other weapons of offence or any other thing which is capable of being used as a weapon of offence by the public in the entire district Panchkula on 22-08-2017 to 27-08-2017.

And whereas it has been made to appear to me that the gathering of an assembly of five or more persons, carrying of any weapon of offence like Arms, Swords (except Sheathered Kirpans used as genuine religious symbols by Sikhs), Lathes, Burchhas, Kulharis, Jellies, Gandasies, Knives, Umbrellas etc. and other weapons of offence or any other thing which is capable of being used as a weapon of offence is likely to cause tension, annoyance,

obstruction or injury to persons or risk or danger to human life and property, disturbance of public peace and tranquility or riot affray in the entire district Panchkula on 22-08-2017 to 27-08-2017.

This order shall not apply on the police and other public servants.

This order shall be promulgated by announcement through the publicity van of the District Information and Public Relations Officer and by affixing copies of the order on notice boards of the District Courts, offices of ACPs, Police Stations, Security Branch, Municipal Corporation, Panchayats, Tehsils, BDPOs and in Bus Stands in the district Panchkula by the District Information and Public Relations Officer.

In view of the emergent situation and shortage of time, this order is being passed ex-parte and addressed to the public in general.

Any person found guilty for violation of aforesaid order, shall be liable for punishment under Section 188 of the Indian Penal Code.

Given under my hand and the seal on this 22, August, 2017.

Deputy Commissioner of Police,
Panchkula."

A perusal of the above orders clearly show that there is no prohibition whatsoever of the assembly of five or more persons at any point of time.

Mr. B. R. Mahajan, learned Advocate General, Haryana, however, submits that there is a clerical mistake in the order dated 22.08.2017 regarding prohibition of assembly of five or more persons in the area of Panchkula and that an amended order had been passed today i.e. 24.08.2017. It is to be noticed that by the time the amended order has been passed, the damage had already been done inasmuch as number of people have gathered and probably with a view to raise protests. Though Mr. S.K. Garg Narwana, Senior Advocate appearing for respondent No.7-Dera Sacha Sauda submits that they have gathered peacefully and they would maintain peace at all costs. He has assured that appeals have already been made to the persons who have gathered at Panchkula to return to their homes and that fresh appeals would be made to return to their homes immediately; besides, maintain peace throughout the State of Punjab, Haryana and UT Chandigarh.

Learned Advocate General, Haryana on instructions from Shri A.S. Chawla, Commissioner of Police, Panchkula has submitted that certain messages have been intercepted, which show that instructions are being given by the followers of respondent No.7-Dera Sacha Sauda to reach Panchkula.

Let the messages be produced in Court on the adjourned

in any public place within the limits of police Commissionerate Panchkula.

Whereas I am satisfied that directions are necessary to avoid annoyance and injury to persons lawfully employed or risk or danger to human life and property, disturbance of public peace and tranquility or riot to affray.

Now, therefore, in exercise of the powers conferred upon me by virtue of Section 144 of the Code of Criminal Procedure, 1973, read with Haryana Government & Home Department notification No.S.O.68/H.A. 2008/25/S.8,9,10 and 83/2011. I Ashok Kumar IPS, Deputy Commissioner of Police, Panchkula do hereby prohibit as a measure of emergency, the carrying of any lethal weapons of offence like all licensed Fire-Arms, Swords (Except Sheathed Kirpans used as genuine religious symbols by Sikhs), Lathies, Burchhas, Kulharis etc. and others weapons of offence by the public in Police District Panchkula with immediate effect till 27.08.2017.

This order shall not apply on the police and other public servants on duty and on the private security guards deployed at banks,

jewellery shops and other commercial establishments, provided that these guards will carry arms openly only in front of or within the premises of their bank, jewellery shop or commercial establishment. Moreover, the private security guards can only transport / carry the weapon from their place of residence to the bank/jewellery shop/commercial establishments only and no where else. Moreover, during this transportation, the weapon should be covered completely by an opaque box, cloth or bag.

This order shall be promulgated by announcement through the publicity van of the District Information and Public Relations Officer and by affixing copies of the order on notice boards of the District Courts, offices of ACPs, Police Stations, Security Branch, Municipal Corporation, Panchayats, Tehsil, BDPOs, Polling Stations and in Bus Stands in the Police Commissionerate Panchkula by the District Information and Public Relations Officer.

In view of the emergent situation and shortage of time, this order is being passed ex parte and addressed to the public in general.

Any person found guilty for violation of aforesaid order, shall be liable for punishment under Section 188 of the Indian Penal Code.

Given under my hand and the seal on this 18th Aug. 2017."

Deputy Commissioner of Police,
Panchkula."

**"ORDER UNDER SECTION 144 OF THE CODE OF
CRIMINAL PROCEDURE, 1973**

Whereas it has been made to appear to me that there is likelihood of causing tension, annoyance, obstruction or injury to persons, danger to human life and property, disturbance of public peace and tranquility in police district Panchkula on hearing of Baba Ram Rahim, Chief Dera Sacha Sauda, Sirsa in Hon'ble CBI Court at Panchkula on 25-08-2017.

Whereas I am satisfied that directions are necessary to avoid annoyance and injury to persons lawfully employed or risk or danger to human life and property, disturbance of public peace and tranquility or riot to affray the area of Police Commissionerate Panchkula some legal steps are needed to be taken.

Now, therefore, in exercise of the powers conferred upon me by virtue of Section

date.

The State Governments shall ensure that peace and law and order is strictly maintained and those who are found to be violating the law are dealt with sternly. These directions shall not only be applicable in case of Panchkula, but also in other parts of the States of Haryana, Punjab and UT Chandigarh and more particularly also in Sirsa District of the State of Haryana. The State of Haryana and the District Police Administration shall act firmly to ensure that the persons who have gathered at Panchkula would return. Besides, prevent and ensure that the crowd does not further swell.

The State Governments and U.T. Administration shall ensure that Magistrates and/or Police Officers with Magisterial powers are present and readily available for passing orders whenever required.

Copy of the order be given under the signatures of the Court Secretary of this Bench to Shri Dheeraj Jain, Advocate; Shri Pawan Girdhar, Addl. AG, Haryana; Shri P.P.S. Thethi, Addl. AG, Punjab; Shri D. S. Brar, Additional Public Prosecutor, U.T. Chandigarh; Shri Sumeet Goel, Advocate and Shri Virat Amarnath, Advocate.

List for hearing on 25.08.2017.

(S. S. Saron)
Acting Chief Justice

(Surya Kant)
Judge

(Avneesh Jhingan)
Judge

24.08.2017
A.Kaundal