

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 19453 of 2015

Date of Decision: September 16, 2015

Rajinder Saini

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Jitender Malik, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari challenging the action of the respondents in withdrawing the Personal Security Officer provided to the petitioner.

Earlier, petitioner had filed a similar C.W.P. No. 12031 of 2012, in which following order was passed by this Court on 11.09.2012 (Annexure P/7):-

“Short affidavit on behalf of respondents no.1 to 3 filed today in Court is taken on record.

Pursuant to the orders of this Court dated 17.7.2012, the petitioner has deposited a sum of Rs.30 lacs with the Registrar of this Court in order to bear the expenses of the

police personnel which he prays should be made available to him to ensure his security. The petitioner was earlier having 14 police personnel to protect him. Since he is undertaking to bear their expenses, the respondents may look into this aspect of the matter and file their response.

Adjourned to 24.9.2012.

Immediate steps be taken by the respondents to provide adequate security to the petitioner after assessing the threat perception to him. In case the respondents feel that the grievance of the petitioner is magnified, they are at liberty to say so and place the reasons on record.”

Thereafter, said writ petition was withdrawn vide order dated 11.03.2014 (Annexure P/8). More than three years have lapsed. It appears that there is no apprehension of threat or nothing has happened towards the petitioner. Otherwise also, Hon'ble Supreme Court in **Ramveer Upadhyay vs. R.M. Srivastava and others, 2013 (7) Scale 564,** has held as under:-

“7. However, in our experience, we have hardly seen any security of 'Z' or 'Y' category provided to any ordinary citizen howsoever, grave the threat perception or imminent danger may be to the person concerned. The petitioner, however, has claimed it obviously as a 'privileged class' by virtue of being an ex-minister which at times, may be justified even to an ex-minister or any other dignitary, considering the nature and function of

the duties which he had discharged, which could facilitate the assessment of his threat perception even after laying down the office. But what exactly is his threat perception and whether the same is grave in nature, obviously will have to be left to be decided by the authorities including the authorities of the State or the Centre which may include even the Intelligence Bureau or any other authority concerned which is entitled to assess the threat perception of an individual. But in so far as the Court of law is concerned, it would obviously be in a predicament to come to any conclusion as to whether the threat perception alleged by a person claiming security is grave or otherwise which would hold him entitled to the security of a greater degree, since this is clearly a question of factual nature to be dealt with by the authorities entrusted with the duty to provide security after assessing the need and genuineness of the threat to any individual.”

The petitioner is claiming that he was General Secretary of the Punjab Pradesh Congress Committee and had participated in various elections. For that reason, he was provided security earlier, which was subsequently withdrawn. Politicians or holders of the party offices, just to show their might, are seeking security, the same cannot be provided merely on the asking. If there is actual threat, then only concerned

Government at their own level for providing security. Otherwise also, this Court cannot determine as to whether the petitioner has any threat perception and required security urgently.

In view of above, no ground for interference is made out.

Dismissed.

September 16, 2015
vkd

[Paramjeet Singh]
Judge