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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(CRL) 1495/2015 & Crl.M.A.10400/2015

GAJRAJ SINGH ..... Petitioner

Through: Mr.Anil Kumar, Mr.Ravinder Bhati and Mr. Rajesh Khari, Advs. along with petitioner in person

versus

COMMISSIONER OF POLICE & ORS ..... Respondents

Through: Mr.Rajesh Mahajan, ASC with SI Ranjit, PS Neb Sarai.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

O R D E R

% 20.08.2015

The petitioner, in the present writ petition, seeks a direction to the respondent authorities to provide security or PSO to him from the local police station for his safety and also to set aside the order/letter, if any, by which the PSO which was given to him was withdrawn.

The petitioner was provided with a PSO as he apprehended threat on his life for having represented against the cartel of builders, who were pursuing unauthorised construction. On several occasions, the petitioner is stated to have been subjected to reprisal and physical onslaught.

Assessing the threat perception of the petitioner to be genuine, he was provided with a PSO, temporarily, from within the district.

The PSO was not attached with the petitioner on a permanent basis.

The threat perception was later reviewed by the Special Cell, Delhi Police.

The status report, which is on record, reveals that even with respect to the threat assessment when a PSO was attached to the petitioner, it was not intended to be a permanent security cover to him.

The respondent authorities, after taking note of the fact that out of three cases (FIR No.301/2012, FIR No.718/2014 and FIR No.539/2015) one remained dormant for some time as the accused persons were untraceable, but was reopened for further investigation; and in the other two, investigations are continuing, refused to provide PSO to the petitioner.

The respondent authorities were conscious of the fact that the petitioner was a witness in a case which was instituted under Sections 302, 384 and 34 IPC under Neb Sarai Police Station. Since the assessment of threat perception was not found to be of such a nature that a permanent PSO was required to be attached to the petitioner, the PSO attached with him was withdrawn. However, the beat staff and the PCR van of the area were briefed to keep a surveillance and cover the residence of the petitioner at regular intervals. They have also been asked to keep constant vigil on the house and person of the petitioner so that no untoward incident takes place.

It is the duty of the State and more so, the police authorities to provide protection to the citizens. However, such duty cannot be stretched beyond reasonable limits and in all cases of threat perception by the concerned individual, Personal Security Officers cannot be attached. The reasons are

purely administrative which are inter alia based on the practical aspects of governance, paucity of policemen and the constraints of over population.

No good ground has been shown by the petitioner for interfering with the administrative decision of the police authorities to withdraw the PSO, more so, when specific instructions have been provided to the local beat staff and the PCR van to keep a vigil on the house of the petitioner for proper security and safety. However, if the petitioner, in future, apprehends any danger at the hands of the accused persons/miscreants, he can apply/represent afresh before the authorities for granting such protection to him as would be necessary.

With such observations, the petition is disposed of.

ASHUTOSH KUMAR, J

AUGUST 20, 2015
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