

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-8594 of 2014

Date of decision : January 12, 2016

Harjit Singh

....Petitioner

versus

State of Punjab and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. BS Bajwa, Advocate, for the petitioner
Mr. Sidakmeet Sandhu, AAG, Punjab

Fateh Deep Singh, J.

Petitioner Harjit Singh, retired Inspector of Police has come up before this Court in this petition under section 482 of the Code of Criminal Procedure (in short, Cr.P.C.) contending that he has worked in the Punjab Police and retired from the rank of Inspector. It is alleged by the petitioner that he was a decorated police officer and that during the course of his duty while posted as Station House Officer, Police Station Ghuman, he had intercepted two terrorists of 'Lashkar-e-Toiba' and on account of the same and his brush with Kashmiri militants he has come under their hit list on

account of which he had been provided personal security guards and which now have been withdrawn. The petitioner has thus prayed for passing of appropriate orders that he be provided adequate security for the protection of his life and liberty.

The State has filed a detailed reply wherein the State has taken stand that personal security to an individual is provided on the basis of comprehensive assessment of threat perception which is periodically reviewed from time to time after obtaining inputs from State Intelligence field units. It is the stand of the State that qua petitioner there is no specific input or information of current threat perception which could indicate that there is any threat to the life and liberty of the petitioner and it is claimed that in view of the same in February, 2013, the security cover of the petitioner stood withdrawn and thus termed the present petition to be misuse of the process.

Heard Mr. BS Bajwa, Advocate, for the petitioner and Mr. Sidakmeet Sandhu, AAG, Punjab and perused the record.

The provisions of section 482 Cr.P.C. have been legislated with a definite purpose and for the exercise of inherent powers of this Court, there needs to be something material to convince the Court that a situation necessitates the exercise of such powers. No doubt Article 21 of the Constitution of India provides right to life and personal liberty of an individual and it is the duty of the State to ensure that such a right is

protected by all means but at the same time it does not necessarily means that the same can be used to attain a sinister personal goal of an individual. Undisputedly the petitioner has retired from the Punjab Police and his own stand emphatically makes clear that he had a brush with the terrorists of 'Lashkar-e-Toiba' a long time ago. The State on the basis of the inputs from the Field Intelligence Units have not come across any discernible threat perception to the life and liberty of the petitioner which is well elicited from the reports confidentially placed on the records of this case. One can easily perceive that there was an era of terrorism and subsequent thereto, the residents of this State had developed a habit of flaunting such security men apparently more as a status symbol rather than a security necessity and which has permeated into their psyche and thus became something to their minds of a necessity without which they cannot maintain their status. As has been contended on behalf of the State, inspite of best efforts of the Administration they are not able to crown meanly desires of such human beings and it is certainly alarming if one goes through the data that most of the police force has been at one point of time taken away from their regular administrative duty to guard such elitists and which is draining the very economic resources of the State besides putting the force away from their administrative duties which has its own repercussions to law and order situation in the State. Counsel for the petitioner could not convince this Court how there is imminent danger to the life and liberty of the petitioner

which could be a circumstance to accede to the prayer of the petitioner. There is nothing tangible prima facie to invoke the jurisdiction of this Court under section 482 Cr.P.C.

Finding no merit in the present petition, the same stands dismissed.

January 12, 2016
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(Fateh Deep Singh)
Judge