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

+ W.P.(CRL) 340/2016

ANOOP KUMAR JUNEJA

..... Petitioner

Through: Mr. Ramesh Gupta, Sr. Adv. with Mr.
Manoj Chaudhary, Mr. Manish
Sharma and Mr. Girish Chander,
Advts.

versus

STATE & ANR

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
for the State
Mr. Ashish Aggarwal, A.S.C. for the
State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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29.03.2016

1. The petitioner has invoked writ jurisdiction of this Court with a prayer to seek 24 hours police protection as well direction to the concerned authorities to issue arms license to him for protection of his family as well his personal security.

2. In brief the case of the petitioner is that his mother was divorced and due to financial constraint he started working at a very tender age. He also came into contact with some bad elements in the society and was arrested in a murder case when he was 17 years old. He was acquitted in that murder case, however, was forced by the police to work as informer for them. The police also implicated him in many criminal cases to keep hold on him.

3. As per the petitioner he kept on working as regular informer to the police due to allurements given and the threats extended to falsely implicate him. As per averments made in the petition, he was falsely implicated in 46

cases by the police to keep hold down him. He had been discharged in 19 cases and acquitted in 9 cases. He had been convicted in 4 cases and in 7 cases untraced report was sent and cancellation report was filed in one case.

4. The petitioner claims that he tried to settle in life by starting his own business but some police officials wanted him to work as there informer and also to appear as witness in some cases. He was also threatened to be implicated in some false cases.

5. This petition has been filed as the petitioner apprehends his false implication and elimination at the instance of police as well those criminals against whom he had given inputs to the police as informer.

6. A detailed status report has been filed by the State.

7. During the course of hearing of this writ petition, learned standing counsel Mr. Rahul Mehra has submitted that nothing has come on record that the petitioner has received any threat from anyone or assaulted by anyone in the past, except the incident in respect of which case FIR no.129/2010, under Section 307 IPC was registered at police station Kalkaji. The petitioner had been out of jail for last about two years but not even a single instance of threat or assault has been reported.

8. The petitioner is present in person and submits that he apprehends threat at the hands of SI Rajender Singh, presently posted at A.A.T.S/East District.

9. Since the petitioner who is present in person alleges threat at the hands of SI Rajender Singh, to ascertain the factual position let SI Rajender Singh appear before this Court today.

10. Learned Standing Counsel for the State, Mr.Rahul Mehra submits that SI Rajender Singh will be informed to appear before this Court at 2:15 pm.

11. List at 2.15 p.m.

PRATIBHA RANI, J.

At 2.15 p.m.

1. The petitioner as well as SI Rajender Singh both are present in person.
2. About the apprehensions expressed by the petitioner in this petition which is one of the ground for seeking 24 hrs. protection SI Rajender Singh has specifically stated that the petitioner need not apprehend any threat or harm from him as neither in the past he had done any act which can be said to be against law nor in future the petitioner need to apprehend any harm from him.
3. Mr. Rahul Mehra, Standing Counsel for the State submits that as a citizen the petitioner has every right to seek protection if any threat perception from any police official or any other person exists. Mr. Rahul Mehra submits that as on date the situation has been assessed and it is reported that there is no threat perception to the petitioner. He further submits that the petitioner has been given the number of local SHO as well of the beat constable who can be contacted as and when the petitioner needs protection and they have also been sensitised in this regard. Mr. Rahul Mehra further submits that the Threat Assessment Report dated 25.3.2016 in respect of the petitioner has been submitted by Dy. Commissioner of Police, Special Cell, Lodhi Colony, New Delhi and that shows the level at which threat perception has been assessed qua the petitioner.
4. Mr. Rahul Mehra submits that so far as prayer of the petitioner for issuance of arms license is concerned, there is a prescribed procedure to be followed and petitioner is at liberty to apply to the licensing authority as per procedure prescribed.

5. Mr. Ramesh Gupta, learned senior Advocate submits that the purpose of filing the petition is to ensure protection for the petitioner who apprehends threat to his life for which necessary direction may be issued to the State. He further submits that so far as prayer for issuance of arms license is concerned, the same is not pressed in this writ petition.

6. In the detailed status report which is running into 19 pages, it is mentioned that in view of the alleged threat perception to the petitioner, the threat assessment report was sought from DCP/Special Cell. DCP/Special Cell vide letter No.245-46/SO/DCP/Spl. Cell dated 25.03.2016 reported that nothing has come on record to suggest that the petitioner has any threat from anyone or even has ever been assaulted by anyone in the past except the incident as reported vide FIR no.129/2010 PS Kalkaji.

7. In the Threat Assessment Report dated 25.3.2016 it is reported as under:

“During enquiry, the applicant Anup Kumar Juneja was also examined. He disclosed that an attempt was made in the year 2010 on his life when some unknown persons fired at him causing bullet injury to his leg. One guard was also injured in that shoot out. A case vide FIR No. 129/10 u/s 307 IPC was registered at PS Kalkaji, New Delhi in this regard.

Subsequently, the investigation of above said case was transferred to Crime Branch. The Crime Branch, after due investigation arrived at conclusion that it was a self inflicted injury. As a result the Crime Branch chargesheeted him in the said case. However, he was discharged in this case by the Hon'ble Court at the stage of charge itself.

Nothing has come on record to suggest that he has any threat from anyone or even has ever been assaulted by anyone in the past except the above said incident of 2010. In fact, he has only apprehension that he would either be eliminated or implicated in some false case by those police officers who had earlier used him as an informer. When asked, he could not give even a single instance when he had received any specific threat from

anyone. He reportedly worked for police officers many years ago but nothing has come on record to suggest that he was ever assaulted or physically harmed by any police officer since then. He is out of jail for the last about two years but there has been no incident to suggest that he has ever been threatened, harmed or assaulted by anyone. Seemingly, he has no genuine threats and his apprehensions/allegations are vague, baseless and have no substance.

Keeping in view the above facts and threat assessment conducted by this office, no security cover is recommended to Sh. Anup Kumar Juneja s/o Sh. Rajesh Kumar Juneja r/o 10/17, Nehru Enclave, Kalkaji, New Delhi”

8. In the facts and circumstances of the case, the State/R-1 is directed to provide necessary protection to the Petitioner through SHO concerned. The mobile numbers of concerned SHO/Beat Constable be provided to the Petitioner to enable him to contact them if the necessity arises. Undisputedly the petitioner had been working as informer for Delhi Police and had been providing inputs in respect of certain criminals, hence, his apprehension that those persons against whom he had acted may try to settle score, cannot be said to be baseless.

9. It is directed that as and when any specific complaint is made by the petitioner for seeking protection, necessary steps shall be taken to ensure the safety of the petitioner assessing the threat perception on urgent basis.

Dasti.

PRATIBHA RANI, J.

MARCH 29, 2016

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