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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1980/2016**

BHUPENDER SINGH & ANR

..... Petitioners

Through: Mr. Maninder Singh, Ms. Aekta Vats,
Mr. Vivek, Mr. Rohit Arora and Mr.
Sankalp Kohli, Advs.

Versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Ms. Rachna Kapoor, ASC.
Mr. Roshan Lal Goel and Mr.
Kavinder Kumar Gill, Advs. for R-7.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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31.08.2016

Petitioners are eye-witnesses in a case bearing FIR 887/06 under Sections 302/307/34 read with Sections 24/27/54 of the Arms Act registered at police station Punjabi Bagh. Out of 11 accused persons 4 are absconding. Petitioners filed W.P. (Crl.) 2676/06 seeking police protection. The said writ petition was disposed of vide order dated 1st March, 2007, which reads as under :-

“Status report has been filed by Ms. Rajdeepa Behura. The same is taken on record.

It is submitted by her that out of eleven miscreants seven have been arrested so far while the remaining four are still absconding.

Keeping in view the apprehension expressed by the petitioner in the petition and the fact that earlier also the petitioner was provided with police protection, it is directed that till the remaining four accused are taken into custody or till required, the respondents shall provide necessary police protection to the petitioner.

The writ petition stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioner as prayed.”

Learned counsel for the petitioners submits that the trial is over. Accused persons were convicted. Appeals filed by them have also been disposed of. Five accused have been awarded life sentence and are in jail; whereas two accused were acquitted by giving the benefit of doubt. It is further submitted that four accused persons are still absconding and, therefore, petitioners’ life is in danger.

Petitioners have prayed in this petition that Personal Security Officers (PSOs) provided by the police station K.N. Katju Marg be changed on the reason that they are not performing their duties properly.

Status report has been filed stating therein that petitioners had earlier filed writ petition 2831/15 titled Smt. Raj Rani vs. Govt. of NCT of Delhi & Ors., for more or less similar reliefs wherein also status report was filed. Writ petition was disposed of as withdrawn in view of the facts mentioned in the status report. The lapses on the part of PSOs were even detailed in the

complaint dated 16th May, 2016 made by the petitioners to the Commissioner of Police. Discrete enquiry was conducted regarding the allegations levelled in the complaint but same were not found to be substantiated. It is further stated that petitioners have shifted their residence from C-1/214, Second Floor, Sec-16, Rohini, Delhi to Bhera Enclave, P.S. Mianwali Nagar, West Distt., New Delhi. However, security is still being provided to the petitioners by the SHO P.S. K.N. Katju Marg. Two male PSOs round the clock and one female PSO during the day time are taking care of security of the petitioners.

Learned ASC for the State submits that since petitioners have shifted their residence to Behra Enclave, which falls within the jurisdiction of police station Mianwali, a letter dated 11th August, 2016 has been written by the Deputy Commissioner of Police, Outer District to the Deputy Commissioner of Police, West District for withdrawal of PSOs provided by the police station K.N. Katju Marg and to provide the PSOs from the police station Mianwali Nagar.

For the foregoing reasons, Deputy Commissioner of Police, West District, Delhi is directed to provide police protection to the petitioners in terms of the order dated 1st March, 2007 passed in W.P. (Crl.) 2676/06,

through the SHO of the police station Mianwali Nagar, New Delhi. Till then, present arrangement of providing security cover by the SHO of the police station K.N. Katju Marg will continue.

Writ petition is disposed of in the above terms.

A.K. PATHAK, J.

AUGUST 31, 2016

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