

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

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*CWP No.7536 of 2017*  
*Date of Decision:04.07.2018*

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Suresh Verma

. . . . . Petitioner

Vs.

State of Haryana and others

. . . . . Respondents

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**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN**

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Present: - Mr.Navjot Singh, Advocate,  
for the petitioner.

Mr.Vishal Garg, Addl. A.G., Haryana

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***RAKESH KUMAR JAIN, J.***

The petitioner was elected as Mayor of the Municipal Corporation, Panipat on 23.6.2015. He made a representation to the Superintendent of Police, Panipat on the pretext of a threat perception for providing security. Thereafter, he filed CWP No.26132 of 2016 which was disposed of on 11.1.2017. The operative part of the said order read as under:-

*“Without expressing of my opinion regarding the extent and nature of the threat apprehended by the petitioner, this petition is disposed of in limine with a direction to respondent No.3 to consider the claim*

*of the petitioner determining the threat perception in accordance with rules and decide the claim of the petitioner by passing a speaking order within a period of two months after the receipt of certified copy of this order and communicate the decision to the petitioner.”*

The Superintendent of Police, Panipat, in pursuance of the aforesaid direction, passed the impugned on 7.3.2017 finding no merit in the contents of the representation of the petitioner and rejected the same. The petitioner has thus challenged the said order by way of this petition. He has averred that CRM-M-25253 of 2016 under Section 482 of the Criminal Procedure Code, 1973 [for short ‘the Cr.P.C.’] has also been filed for seeking a direction to the SSP and SHO, Panipat to protect his life and liberty which is allegedly been threatened by the persons namely, Avtar Singh Wahla and Dushant Parshad, in which notice has been issued. It is also averred that Avtar Singh Wahla levelled a false allegation to the deputy Commissioner, Panipat against the petitioner of taking ₹10 lac from him. The said complaint was looked into by the team comprised of Additional Deputy Commissioner, Panipat, Deputy Superintendent of Police, Panipat and Tehsildar, Panipat and vide their enquiry report dated 28.4.2016, the petitioner was exonerated of all the allegations levelled by Avtar Singh Wahla. It is also averred that Kausal Kishore, Member of Parliament has also asked the higher authorities to provide personal security to the petitioner. The petitioner has also averred that he had registered one FIR No.1224 dated 22.9.2016 under Sections 384 and 506 of the IPC at Police

Station, Panipat City in which he had alleged that he had received a sealed envelope containing a letter by which somebody had threatened him to pay ₹50 lacs otherwise he would be done to death. It is also averred that one Sanjeev Rana and his persons used to make filthy comments upon him and also upon his nephew Vikas. He moved an application on 16.3.2017 to the DSP, City Panipat for taking legal action against Sanjeev Rana. He has further averred that although in the impugned order, it has been mentioned that as per the security norms, Mayor is not entitled for gunman at Government expense but the Mayor of Municipal Corporation, Karnal has been provided gunman. With these averments, the petitioner has prayed that the impugned order dated 7.3.2017 be quashed and a direction be issued to the respondents to provide him personal security to protect his life and liberty.

Separate replies have been filed by the Deputy Commissioner (Respondent No.3) dated 10.7.2017 and respondents No.1, 2 & 4 dated 13/17.7.2016 and 18.1.2018 besides the status report dated 13.4.2018 by respondents No.1, 2 & 4 about the facility of gunman provided to the Mayors of other Municipal Corporations in the State of Haryana. Respondent No.3 has relied upon the report of the committee constituted to look into the allegations of Avtar Singh Wahla and has found the allegations to be false. In the reply filed by respondents No.1, 2 & 4 dated 13/17.7.2016, it is submitted that the representation made by the petitioner to the Deputy Commissioner, Panipat and Superintendent of Police, Panipat for providing one gunman as he was feeling danger to his life from unknown person was marked to the Incharge, Security Branch, DPO, Panipat upon

which Yudhveer Singh, Sub Inspector, Incharge of Security Branch had conducted an enquiry and reported that there was no danger to the life and liberty of the petitioner. It is averred that the enquiry was also conducted by SI Rammehar Singh, the then Incharge Police Post Killa, Panipat but no threat was found rather as per the security norms issued vide Memo No.3162-3208/DSS/A-5 dated 27.1.2016, Mayor is not entitled to any gunman on Government expenses. As far as the gunman provided to the Mayor of the Municipal Corporation, Karnal is concerned, it is categorically mentioned that the police security/gunman is provided to her and her family members as they have received threat from Surender Gyong, gangster and his brother Joginder Gyong. In regard to FIR No.1224 dated 22.9.2016, it is averred that the matter was investigated by SI Mahender Singh, who did not find any truth in the allegations and on 16.1.2017 the untraced report in the FIR was submitted. It is also admitted that the petitioner had moved an application to the Deputy Superintendent of Police, City Panipat to take legal action against Sanjeev Rana who used to make filthy comments but since the matter falls in the category of non-cognizable offence, therefore, no legal action was taken by the police. As per the report of the respondents, there was no threat to the life and liberty of the petitioner. In the subsequent reply, filed by respondents No.1, 2 & 4 dated 18.1.2018, it is averred that Naresh Kumar Verma, brother of the petitioner had registered FIR No.356 in the year 2017 at Police Station Killa, Panipat under Sections 365, 506 & 34 of the IPC and Section 25 of the Arms Act in which investigation has been carried out. However, it is averred in the said reply that “it is very much pertinent to mention here that on the complaint a case FIR No.779 dated

5.8.2009 under Section 13A, 3/67 Gambling Act, PS City, Panipat was registered in which Naresh Verma paid a fine of ₹100/-, after admitting his guilt, from the court of learned CJM, Panipat. A case FIR No.337 dated 3.3.2012 U/s 13A, 3/67 Gambling Act, registered in PS City, in which he paid of fine of ₹500/- after admitting his guilt from learned CJM Court. A case FIR No.357 dated 7.8.1999 U/s 147, 148, 448, 506 IPC registered in PS City, Panipat, in which he was acquitted on 15.3.2007 from the Hon'ble Court of Hemraj Verma, the then learned CJM, Panipat. That against the nephew of petitioner and son of Naresh Kumar Verma namely Vikram a case FIR No.317 dated 22.3.2017 has been registered U/s 365 IPC, later on Section 363, 366 and 6 POCSO Act has been added against the said Vikram and a case FIR No.105 dated 31.1.2015 U/s 363, 366 and 376 IPC and 6 POCSO Act, has been registered in PS City, Panipat. The trial of this case is pending in the Court of Smt. Shashi Bala Chauhan, learned Additional Sessions Judge, Panipat and fixed for 06.03.2018 for the evidence of prosecution witness. That a case FIR No.1363 dated 18.10.2016 U/s 148, 149, 323, 307, 341, 506, 120-B IPC has been registered in PS City, Panipat against the petitioner Suresh Verma, his nephew Vikram son of Naresh his brother Azad and dalbir. This case is pending in the Court of Ms. Vinti, learned JMIC, Panipat and the same is fixed for 06.02.2018. In this case Vikram the nephew of petitioner has been declared as a proclaimed offender. There are many cases registered on the petitioner and his family". It is also submitted that there is no application ever filed by Naresh Kumar Verma or his nephew for seeking protection of their life and liberty. In regard to the status report filed on 13.4.2018, respondents No.1, 2 & 4 have stated that

there are 9 Municipal Corporations in the State of Haryana i.e. Karnal, Panipat, Panchkula, Hisar, Ambala, Rohtak, Faridabad, Yamunanagar and Gurugram. The office of the Superintendent of Police, Panipat made correspondence with all the Superintendent of Police/Commissioner of Police/Deputy Commissioner of Police of the aforesaid Municipal Corporations but except the Mayors of the Municipal Corporation, Karnal and Faridabad no other Mayor of the Municipal Corporation of the State of Haryana has been provided security by way of providing a gunman. It is also mentioned that the Mayors of Municipal Corporation, Karnal and Faridabad had genuine threat perception, therefore, the protection was provided to them but insofar as the petitioner is concerned, it is averred that there is no threat perception to the petitioner.

I have heard learned counsel for the parties and perused the record with their able assistance.

There is no doubt that in the letter dated 27.1.2006, on the subject of revised scale/norms of security to be provided to various VIPs/dignitaries, the name of the Mayor is conspicuously absent. The petitioner being a Mayor cannot claim security as a matter of right. However, he has a right to ask for security in case his life and liberty is in danger. His representation was ordered to be considered by this Court vide order dated 11.1.2017 passed in CWP No.26132 of 2016 and while deciding the said representation, the Superintendent of Police, Panipat found that the petitioner has no threat to his life and liberty rather a case vide FIR No.1363 dated 18.10.2016 under Sections 120-B, 148, 149, 307, 323, 341 and 506 IPC was registered against the petitioner in PS City, Panipat. It has also

found that the members of the family of the petitioner are facing various criminal cases which has the reference in the reply filed on behalf of respondents No.1, 2 & 4 dated 18.1.2018. The only FIR registered by the petitioner was FIR No.1224 dated 22.9.2016 under Sections 384 & 506 of the IPC in which enquiry has already been conducted and untraced report has been submitted by the police otherwise merely a person Sanjeev Rana is using filthy language against him would not be a case of in danger to his life and liberty for the purpose of providing security at the expense of the State. The Mayors of Municipal Corporation, Karnal and Faridabad have been provided security because the police has found genuine threat to their life and liberty, therefore, the petitioner cannot plead discrimination in this regard.

Thus, from the totality of the facts and circumstances, I am of the considered opinion that there is no merit in the present petition for the purpose of interference and hence, the same is hereby dismissed though without any order as to costs.

04.07.2018

*Vivek*(RAKESH KUMAR JAIN)  
JUDGE*Whether speaking /reasoned : Yes/No**Whether Reportable : Yes/No*