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

+ W.P.(CRL) 841/2017 and Crl. M.A. No.4644/2017 (directions)

JOGINDER SOLANKI Petitioner

Represented by: Mr. Sanyam Khetarpal,
Advocate.

versus

UOI & ANR. Respondents

Represented by: Mr. Reshesh Mani Tripathi,
Advocate for respondent
No.1/UOI.
Mr. R.S. Kundu, Additional
Standing Counsel for State with
Ms. Suman Saharan, Advocate
with Inspector Sunil Kumar
and ASI Suresh Kumar, PS
New Usmanpur.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.08.2018

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1. The petitioner states that he is a journalist accredited by Press Information Bureau (PIB), Government of India and covers crime and investigation beats for different electronic and print media on case to case basis. On 22nd April, 2003 petitioner filed one FIR at PS New Usmanpur regarding threats received from gangster Pratap Gurjar and aides while the said accused was absconding and required in a murder case. From 22nd April, 2003 local police at PS New Usmanpur provided an armed constable for the petitioner's personal security. It is the case of the petitioner that on 27th April, 2003, petitioner was attacked by the associates of Pratap Gurjar

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in the midnight when the personal police guard left for his home. In this regard FIR No.89/2003 was registered at PS New Usmanpur under Section 307 IPC and two armed constables for a 24 hours security cover were provided to the petitioner besides one constable for his house security.

2. On a subsequent complaint of the petitioner on 1st July, 2003 his security was further upgraded vide order No. MHA UO No.VI 23014/340/2004/VS. Petitioner claims that he received further threats from the associates of Pratap Gurjar and two further FIRs were registered, one at PS Tilak Marg and other at PS New Usmanpur. On 4th July, 2005, the security cover of the petitioner was directed to be withdrawn however, it was restored on the same day. Later Ministry of Home Affairs vide its order dated 13th January, 2006 directed withdrawal of the security to the petitioner against which the petitioner filed a writ petition before this Court whereby security cover of 'Y' category was restored to him.

3. Again during the review when security cover of the petitioner was sought to be withdrawn on 8th September, 2008 it was restored pursuant to the orders of Ministry of Home Affairs. In the year 2009 petitioner got lodged a FIR at PS Civil Lines for attempt of kidnapping of his daughter. On 16th March, 2009 DCP, North East suggested to the Ministry of Home Affairs to withdraw the security cover to the petitioner which was finally withdrawn by Ministry of Home Affairs on 13th February, 2015 without intimation to the petitioner. Petitioner thus wrote letters to the Home Minister and whereafter he filed the present petition.

4. Thus the claim of the petitioner in the present petition is that because of the threat perception from Pratap Gurjar and his aides he needs a constant

security threat cover and the security withdrawn from him be restored.

5. As noted above in the facts stated by the petitioner himself, no FIR has been registered after the year 2009 and continuous security was provided to the petitioner till 13th February, 2015 though it was sought to be reviewed and withdrawn earlier but not actually withdrawn. After 13th March, 2009 and 16th March, 2009 when the petitioner claims that his son received an email of threat, there has been no complaint whatsoever.

6. Security covers granted to protectees is always on the basis of threat assessment. Once security cover is provided it is not a mandate of the Ministry of Home Affairs or also the police that the person is required to be given continuous security and if on review no threat perception is found out, the police/Ministry of Home Affairs would be well within the framework of the law and their duty to withdraw the security cover.

7. Similar report has also been submitted by the Director, Ministry of Home Affairs stating that threat is dynamic and so is the security cover, security is reduced on amelioration of threat and it is withdrawn on cession of threat. Security cannot be provided in perpetuity.

8. Admittedly the petitioner is without security cover since 13th February, 2015 and there has been no threat since then. The threat perception to the petitioner has been weighed by the DCP, Special Cell and on the basis of the said assessment, competent authority passed the order of withdrawal of security cover as no further security was required.

9. Considering that after 2009 there has been no complaint of any threat by the petitioner or his family members and admittedly for the last 3½ years even without security cover there has been no threat perception to the

petitioner, this Court finds no error in the decision of the competent authority to withdraw the security cover from the petitioner.

10. Petition and application are dismissed.

11. Needless to note that as and when there is any genuine threat perception to the petitioner, needful be done by the authorities.

MUKTA GUPTA, J.

AUGUST 13, 2018

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