

**204+101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-1201-2021 (O&M)
Date of decision: 22.04.2021

Ravi Karan SinghPetitioner

versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate
for the applicant/petitioner.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab
for the respondents-State.

Mr. Sudhir Nar, Senior Panel Counsel
for Union of India.

FATEH DEEP SINGH, J.

Due to outbreak of pandemic COVID-19, the instant case
is being taken up for hearing through video conferencing.

CM-6006-2021

Learned counsel for the applicant has made statement
withdrawing the present application.

Allowed to do so.

Dismissed as withdrawn.

CM-6007-2021

Notice of the application to the counsel opposite.

State counsel upon accepting notice states that he does not wish to file reply to the present application and has no objection if the same is allowed.

In view of the averments made in the application and in the interest of justice, the same is allowed. Documents annexed therewith are taken on record.

CM stands disposed off.

CWP-1201-2021

The petitioner has come up in the instant criminal writ petition under Article 226/227 of the Constitution of India seeking writ in the nature of *mandamus* for providing adequate security to the petitioner keeping in view the threat perception.

The brief averments of the petitioner are that he happens to be a political activist, being President of Youth Akali Dal, Punjab and in furtherance of the same, has to carry on various social initiatives and happens to be son of Ex-Cabinet Minister, Punjab. The petitioner has averred that because of their political status and functioning, certain vested interests have developed persistent animosity towards the petitioner and his family and on account of which, were continuously targeted by various terrorists and illegal organizations and has given instances of such attacks on the petitioner and his family which need not to be reproduced.

The petitioner claims that since he belongs to border area and on account of proximity to Pakistan, the family of the petitioner on the Court's order had provided security cover to the petitioner which has been detailed in Annexure P-7. The petitioner has detailed various reports of the authorities including that of local police, whereby, reference has been made to the threat perceptions to the petitioner and his family, as a consequence of which, there has been continuous security beefing up by the local police on the basis of inputs shared by the Central Agencies. The petitioner has come up before this Court challenging letter dated 14.12.2020 (Annexure P-16), whereby, the security cover provided to the petitioner and his family, has been illegally and wrongly withdrawn and that the petitioner's family has been left in a lurch exposed and unprotected to these elements which are trying to destabilise the State.

The stand of the respondents in their response to the petition claiming that in consequence of orders/directions of Supreme Court of India in SLP No.25237 of 2010 titled as 'Abhay Singh versus State of UP and others', the respondents has framed State security policy which has been notified for the Punjab State on 02.09.2013 and as per the assessment of threat perception to various persons, including the petitioner, who happens to be a non-positional protectee, has been provided with components of security by way of NGO as Incharge Security around the clock PSOs, a bullet resistance vehicle, armed mobile escort and house guard, which is

sufficient beefing up of a security cover. It is emphatically claimed that it is nothing but a routine review of security of the petitioner and others and on account of which, security deployment was recalibrated and to ensure security umbrella, is more compact, robust and functional. The respondents have denied each and every claim of the petitioner.

Heard.

During the course of hearing arguments, Mr. Sudhir Nar, Senior Panel Counsel for the respondent-Union of India has placed on record certain documents comprising of three documents, one page each. The same is ordered to be taken on record. The first document is a letter addressed to Mr. Sudhir Nar, Senior Panel Counsel by Mr. K.K. Bhandari, DC Law intimating which is reproduced as below:-

“As per aforesaid MHA UO, Security arrangement for Shri Ravio Karan Singh Kahalon, President, Youth Akali Dal, Punjab have been examined in Ministry in consultation with Central Security agency and it has been decided to provide him with 'Y+' CRPF security cover in Punjab, over and above the security cover presently provided to him by Punjab Police. Accordingly, as per direction of MHA vide ibid UO, 01 team which consists of 11 personnel from 220 Bn, CRPF, VIP Security has taken over security of above protectee w.e.f. 01/04/2021 after JSR (Joint Security Review) with sister security agencies and other concerned.

It is therefore you are requested to kindly

appraise the facts to Hon'ble Court accordingly on next date of hearing fixed on 22/04/2021."

And in second letter dated 21.04.2021, it has been observed as follows:-

"Security arrangement for Shri Ravi Karan Singh Kahalon, President, Youth Akali Dal, Punjab, have been examined in this Ministry in consultation with Central Security agency and it has been decided to provide him with 'Y+' CRPF security cover in Punjab, over and above the security cover presently provided to him by Punjab Police.

Accordingly, 01 team which consists of 11 personnel from 220 Bn VIP Security has taken over security of above protectee w.e.f-01/04/2021 after JSR (Joint Security Review) with sister security agencies and other concerned."

And in third document, which is a secret Government of India, Ministry of Home Affairs, IS-I Division (VIP Security Section) pertaining to letter concerning security arrangements of the petitioner, it has been detailed as under:-

"The undersigned is directed to state that the security arrangement for Shri Ravi Karan Singh Kahlon, President, Youth Akali Dal, Punjab, have been examined in this Ministry in consultation with central security agency and it has been decided to provide him with 'Y+' CRPF security cover in Punjab, over and above the security cover presently provided to him by Punjab Police."

The learned State counsel has tried to wriggle out of their stand by taking a feeble plea that he is unaware of the same. The contentions of learned counsel for the petitioner that these documents have been placed on the record by the senior panel counsel for the Union of India and happens to be correspondence of the Government of India, Ministry of Home Affairs and cannot be put to any doubt over their veracity and even the Court does not accept the contentions of the learned State counsel to this effect. From the documents, it is very much clear that the concerned Central Agencies have, after examining the security arrangements of the petitioner, have beefed the security of the petitioner providing him with Y+ CRPF security cover in Punjab, over and above the security cover, presently provided to him by Punjab Police and, therefore, clearly illustrates the amount of security threat that is being perceived by the agencies.

The State could not bring to the notice of this Court anything substantial to enliven their stand and arguments that the order dated 14.12.2020, passed by them, by way of Annexure P-16, is in any manner legitimate, sustainable or are commensurate with the threat perception to the petitioner. And even the own document of the State of Punjab by way of letter No.36924 dated 07.11.2020 (Annexure P-13) shows that there is every likelihood that some criminal elements may target the petitioner and his family members.

In light of this stand of the Union of India, substantiated

by its document, it is writ large on the records of the likelihood of threat to the life and liberty of the petitioner and his family and, therefore, this Court needs to come to the aid of the petitioner by virtue of his right that vests under Article 21 of the Constitution of India. Therefore, the orders of the respondent-State contained in letter dated 14.12.2020 Annexure P-16 issued by the Additional Director General of Police Security Punjab, Police Headquarter Sector 9, Chandigarh, needs to be set aside.

The petition is allowed and the respondents to ensure that the security, so provided to him, by the Ministry of Home Affairs Government of India, comprising of Y+ CRPF Security as well as the security cover presently provided to him by the Punjab Police, be maintained.

The present petition is allowed and disposed off accordingly.

22.04.2021

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No