

COCP-380-2017 (O&M)

Date of Decision :31.08.2022

Mahant BhubneshGiri

...Petitioner

versus

Naveen Singla

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. B.M. Singh, Advocate for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiating proceedings against the respondent for intentional and willful defiance of order, Annexure P-1, dated 15.11.2016, in CWP-10962-2014.
2. Learned counsel contends that despite representation Annexure P/4 dated 22.11.2016, for grant of police protection in terms of liberty granted vide order Annexure P/1 dated 15.11.2016, police protection has not been provided.
3. Per contra, learned AAG, Punjab, contends that fourteen representations moved by the petitioner for providing protection of life and liberty were duly considered, assessment of threat perception to the life and liberty of the petitioner made by the police authorities and finding no merit in the same, all fourteen representations were filed and some of the orders are annexed as Annexure R-1/T dated 30.01.2017 i.e. report submitted by the SP (Operation) SBS Nagar, order passed by the Superintendent of Police (Investigation), SBS Nagar dated 29.06.2017 besides report of SIT dated

25.10.2017, as per which the dispute was of a civil nature and the attempt of the petitioner was to take possession of the Mandir premises with police help despite pendency of civil suit.

4. On 12.03.2020, this Court while taking into account the submission of learned State Counsel that pursuant to order dated 15.11.2016, in CWP-10962-201, assessment of threat to life and liberty of the petitioner was made twice, and it was found that there was no threat and the purpose of filing the petition was to take possession of Shiv Mandir, Paramshanswala Beraanwala Samadhi Sathal, Balachaur, whereupon to further ascertain threat to the life and liberty to the petitioner, a SIT was constituted and as per the report of the same, Annexure R-4/T also, there was no threat to the life and liberty of the petitioner, observed that the petition had been rendered infructuous but adjournment was granted to learned counsel for the petitioner to look into the report of SIT before making any submission. Thereafter, due to pandemic, the matter could not be taken up earlier nor was any application filed showing any urgency with regard to alleged threat to the life and liberty of the petitioner while on the matter being taken up for hearing on 05.08.2022, none was present on behalf of the petitioner on account of adjournment slip having been circulated.

5. Learned counsel states that the petitioner had come to meet him in connection with the case about 5/6 months ago but thereafter he had not contacted him nor was he able to contact the petitioner. Report of the SIT Annexure R-4/T is dated 25.10.2017. On 12.03.2020, time was granted to learned counsel for the petitioner to look into the report before making

submissions. Learned counsel contends that the petitioner still has threat to his life and liberty.

6. I have considered the submissions of learned counsel.

7. The matter pertains to allegation of violation of order Annexure P/1 dated 15.11.2016, in CWP-10962-2014. The police authorities have considered the representations submitted by the petitioner and recommended filing of the same on account of objective of the petitioner being to avail police protection with a view to get an edge in the civil dispute pertaining to the Mandir. No doubt, the Superintendent of Police (Operation), SBS Nagar, has given report dated 30.01.2017, recommending security for the safety of the life and liberty of the petitioner in case he continued to live in the Mandir at Balachaur but the subsequent report submitted by the Superintendent of Police (Investigation) dated 29.06.2017, recommends filing of the request as there was no need of police proceedings, besides in terms of order Annexure P/2, it had been recommended to the SHO, Police Station Balachaur and DSP, Balachaur that if the petitioner demanded security, then security be provided to him. Thereafter, a report was submitted by the SIT dated 25.10.2017, recommended filing of the application. Therefore, in case the petitioner is aggrieved with the findings recorded by the authorities/SIT rejecting his claim for police protection, it is always open to the petitioner to challenge the said findings by way of appropriate proceedings before the competent forum, in accordance with law. However, in view of categorical findings recorded in the report dated 29.06.2017 and Annexure R-4/T, report of SIT dated 25.10.2017, no further action is called for against the respondents in the instant petition. Accordingly, the instant petition is disposed of as not calling for any action against the respondent under the

Contempt of Courts Act, 1971, while granting liberty to the petitioner to move a representation before the police authorities seeking police protection in case situation so requires and in case any such request/representation is received, the competent authority is directed to consider the threat perception to the life and liberty of the petitioner, in accordance with law and take such steps in respect thereto as may be warranted at the earliest. It is further clarified that it is open to the petitioner to challenge report Annexure R-3/T and R-4/T, by way of appropriate proceedings, in accordance with law if so advised.

(B.S. Walia)

Judge

31.08.2022

rajesh

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No