

CRM-M-13635-2019

Date of decision: 23.08.2022

Gurbachan Singh Babbehali and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. K.S. Dadwal, Advocate
for the petitioners.Mr. Amit Shukla, AAG, Punjab
for respondents No.1 to 7-State.**NAMIT KUMAR, J. (ORAL)**

Petitioner No.1-Gurbachan Singh Babbehali is an ex-MLA and Chief Parliamentary Secretary and Petitioner No.2 is his son, have filed this petition under Section 482 Cr.P.C. with the prayer to protect the life and property of the petitioners as well as their family members by granting the protective umbrella by ordering the grant of security to the petitioners.

It has been conceded by learned counsel for the petitioners that during the pendency of the present petition, initially, one security guard was provided to the petitioner as against two required. Thereafter, an application bearing CRM No.27870 of 2019 was filed by the petitioner for issuance of direction to the respondents to act upon the affidavit dated

17.03.2018 filed by them in CRM-M-44387-2017. A reply to the said application has been filed and relevant portion of the same is reproduced as under:-

Preliminary Submissions

- “1. That One police personnel from 4th IRB has been provided to the petitioner No.1 Gurbachan Singh Babehali, Ex. CPS r/o Village Babehali, District Gurdaspur by the Addl. Director General of Police, Security, Punjab, Chandigarh vide their office letter No. 7897-98/DDSB-2 dated 13.08.2019. The intimation has been sent to the counsel for the petitioners vide this office No. 34907/SB dated 09.09.2019.
- 2. That as per the following norms, the security of one police personnel has been provided to the petitioner:-

Former Chief Minister, Cabinet Minister & MPs/MLAs

(Personnel for 3-5 years and as threat assessment thereafter, if any).

Sr. No.	Category	Security Incharge	Security Persons		
			PSO	Escort	House Guard
1	Former Chief Minister	1	6	-	8
2	Former Dy. Chief Minister	1	6	-	8
3	Former Cabinet Minister	-	2 to 4	-	-
4	Former CPS/MP/MLA	-	1 & 2	-	-

Reply on Merits

- 1. xxxxx
- 2. That the contents of Para No.2 of the application are denied being incorrect. It is submitted that as per norms, two gunman were already provided to petitioner No.1 Gurbachan Singh Beabehali, Ex.MLA, Halqa Gurdaspur vide letter No. 7841-82/DDSB dated 14.03.2017 issued by the Addl. Director General of Police, Security, Punjab, Chandigarh. A case FIR No.260 dated 18.12.2018 under Sections

420/406/465/467/471 IPC Police Station City Gurdaspur has been registered against Gurbachan Singh Babehali and it is still under investigation and he has not joined investigation. Hence, the recommendation was sent to the office of the Addl. Director General of Police, Security, Punjab, Chandigarh vide this office memo. No. 4416/SB dated 11.02.2019 for withdrawal of the gunmen and accordingly vide letter No. 2514/CR/SW dated 22.02.2019 received from the office of the Addl. Director General of Police, Security, Punjab, Chandigarh, the gunmen were withdrawn. The warrants of absconder Gurbachan Singh Babehali have been obtained from the Court of Vishesh, Chief Judicial Magistrate, Gurdaspur for 01.05.2019. In the meantime, the petitioner No.1 has joined the investigation by the order of Hon'ble High Court on 15.04.2019. **The information has been sent to the office of the Addl. Director General of Police, Security, Punjab, Chandigarh (respondent No.4) vide this office No. 13604/SB dated 22.04.2019 for further order regarding police protection to the petitioner No.1 as per norms."**

In view of the above, the relief claimed in the present petition has already been granted to the petitioner. Therefore, the present petition has been rendered infructuous and the same is disposed off as such.

23.08.2022
Neha

(NAMIT KUMAR)
JUDGE

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