

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRWP-6319-2021
Date of decision: 17.05.2022**

**MANDIR SRI RAM BALA JI DHAM CHARITABLE TRUST (REGD)
AND ANOTHER**

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ. J.(Oral)

The instant writ petitioner has been filed under Article 226 of the Constitution of India praying for issuance of an appropriate writ, order or direction to the respondents No.1 to 6 to provide adequate protection to the life and liberty of the Office bearers of the petitioner No.1 as well as petitioner No.2 who claims to be Mahant of the Society/temple.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner No.1 is a registered Charitable Trust and has built a temple Shri Ram Balaji Dham situated at village Kala Ghanpur in District Amritsar. It is contended that Mahant Gaddi Nashin has been receiving

threats and that there has been a spate of attempts previously on their lives as well.

3. It is also apparent from a perusal of the writ petition itself in paragraph No.3 thereof that the Mahant Shri Ashnil Maharaj (petitioner No.2) is currently serving as a Head Constable in Punjab Police after having taken permission from the competent authority to become member of the said temple. It is contended that the petitioners are running aggressive campaign to stop conversion of people from Hindu religion into Christianity and in the said process are receiving threats from other radical elements. He claims that information in this regard was sent to the police whereupon a DDR No. 09 dated 28.12.2016 was registered at Police Station Chhehreta. Similarly, one Tejinder Singh had trespassed into the temple and hurled abuses for which an apology was tendered by him. Thereafter on 16.01.2020, some 150-200 persons had come to the temple and had submitted a written apology on a stamp paper. It is also pointed out there has been some more similar instances in March, 2020 as well as October 2020. He further points out that an attack was also opened upon the petitioner was attacked resulting in registration of FIR No. 212 dated 20.10.2020 registered under Sections 307 and 34 of the IPC and Sections 25 and 27 of the Arms Act at Police Station Chheherta, District Amritsar.

4. Upon notice being issued, the short reply by way of affidavit of Lakhwinder Singh, PPS, Assistant Commissioner of Police, CBI, Special Crime, Amritsar has been filed, the relevant extract thereof is reproduced hereinafter below :-

“4. That it is humbly submitted that keeping in view the aforesaid facts and the threat being faced by Sri Ashnil Ji Maharaj, Chief Organizer of the Petitioner Temple, the SHO

*Police Station Chheharta, Amritsar City vide his detailed report submitted to his office has recommended for providing one gunman for security of Sri Ashnil Ji Maharaj, Chief Organizer of the Petitioner Temple. The report submitted by the SHO PS Chheharta, Amritsar was perused minutely by the deponent and being satisfied with it, the deponent has also submitted his forwarding report to the quarter concerned thereby recommended to provide 01 gunman to Sri Ashnil Ji Maharaj, Chief Organizer of the Petitioner Temple. The reports so submitted were under consideration of the higher authorities. The copies of the reports are annexed herewith as **Annexure R-1/T to R-2/T** for the kind perusal of this Hon'ble Court.*

5. *That it is humbly submitted that since the final decision with regard to providing 01 gunman to Sri Ashnil Ji Maharaj, Chief Organizer of the Petitioner Temple has been taken by the competent authority in accordance with the provisions of the State Security Policy, and the ADGP Security Punjab Chandigarh has carried out threat perception in this matter and has observed that there is no specific input indicating any threat to security of the petitioner. It has been further observed that the petitioner Mahant Ashnil Kumar is already serving as a police officer and is also issued a service weapon. Personal security cover at State expense is not warranted in the case of instant petitioner, within the framework of State Security Policy. It is however directed to ensure proper sensitization of the local police and also provide area security through PCR/Patrolling in the area adjoining the Mandir. The directions issued by ADGP Security Punjab Chandigarh has been annexed herewith as **Annexure-R3**. Hence security of the Petitioner Temple is being made through In-charge of Police Post Kalle Ghanupur, PS Chheharta, Amritsar and patrolling parties of Crime Stopper Cell, Amritsar. It is also pertinent to mention here that the accused persons have been arrested in both the*

aforementioned case/FIR No. 212, dated 20.10.2020, under Section 307, 34 IPC, 25, 27 Arms Act, Police Station Chheharta, Amritsar and FIR No. 26, dated 31.01.2021, under Sections 295, 295A, 506, 341 IPC, Police Station Chheharta, Amritsar City. The FIR No. 212/2020 (supra) is now pending for trial before the learned Court and challan of the FIR No. 26/2021 (supra) is also ready and it will be presented after obtaining prosecution sanction from the Competent Authority. As such, grievance of the petitioner stands redressed.”

5. Having perused the said reply, it is evident that sufficient instructions for insuring security of the temple premises as also that the Mahant Shri Ashnil Maharaj have been put in place. No further directions are required to be issued. Demand of State security either at State expenses or on personal expenses as a mark of glorification or for enjoining upon oneself a VIP status deserves to be deprecated. No emergent or exigent circumstances exist that would warrant any such right carved out in favour of the petitioner.

The present petition is wholly misconceived and is thus, accordingly dismissed.

MAY 17, 2022
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No