

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

257

CWP-13019-2022(O&M)
Date of decision:23.08.2022

HARI CHAND TEWATIA

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present : Mr. Keshav Pratap, Advocate with
Mr. Kunal Singh, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of writ, order or direction especially in the nature of mandamus directing the respondents to provide Police protection/security to the petitioner as several threats have been made and attempts have been made to kill the petitioner and his family members.

Reply by way of affidavit of Rajesh Duggal, IPS, Superintendent of Police District Palwal on behalf of respondents No.1 to 4. The same is taken on record. A copy thereof has been furnished to the counsel for the petitioner. The relevant extract of the same read thus:-

10. That the present petitioner moved a complaint bearing no. 139P dated 17.6.2020 to SHO Gadpuri, Palwal, whereon an inquiry was carried out by the erstwhile SHO, P.S Gadpuri and during inquiry it was

found that no firing had taken place either on the complainant or his family.

11. That the present petitioner also moved a complaint to National Human Rights Commission, Delhi seeking police protection which was received in the Office of the undersigned vide no. 1626-P dated 15.4.2021. After receiving the same, an inquiry in the matter was entrusted to Sh. Shiva Archan, HPS, DSP/SHO P.S Gadpuri, Palwal. Accordingly, Sh. Shiva Archan, HPS, DSP (UT)/SHO P.S Gadpuri, Palwal carried out a thorough and impartial inquiry in the matter and during the course of inquiry, he assessed all facts and circumstances, however, he did not find any truth or substance in the complaint. Rather he found that Hari Chand Tewatia (present petitioner) is neither a complainant nor is an accused in the case, rather he is a politician and an Ex-Chairman of Market Committee Palwal. He in order to maintain his political supremacy, wanted to have a police protection or guard. In fact, no extension of threat was also found during the inquiry. Therefore the inquiry officer found no need to provide police security or guard to the present petitioner. In this regard, he also prepared his report dated 28.7.2021.

12. That the latest in the line of inquiries was conducted by ASI Laxman Singh, P.S Gadpuri, Palwal on 31.7.2022 and he did not find any substance in the allegations leveled by the present petitioner and he also did not find any need to provide security or Guard to the present petitioner. Threat perception to the present petitioner was also assessed but no threat of any kind to the present petitioner was found, hence he did not find any need to provide security to the present petitioner.

13. That in addition to this, FIR no. 89 dated 26.2.2022, u/s 379, 427 of IPC, P.S Gadpuri was also registered against unknown thieves upon the complaint of

the present petitioner with regard to theft of his licensed revolver and Rs. 1 lac. In which, a thorough and fair investigation was carried out to trace out the culprit; however, none could be traced out. Therefore, an untrace report has been recorded in the same.

14. That it is submitted that multiple inquiries have been carried out without prejudice to anyone by different Police Officials at different point of times upon different complaints of the present petitioner. However, no substance has been found in the allegations leveled in his complaints. It has commonly been found during all inquiries that there is no threat perception to the present petitioner and thus, there is no need to provide security to the present petitioner.

In view of the aforesaid specific response filed by the Senior Superintendent of Police, District Palwal on an affidavit and after conducting inquiry/investigation into the allegations levelled by the petitioner which was found to be bereft of merit, I find no further directions which are to be issued in the present petition.

The same is accordingly dismissed as not pressed, at this stage.

(VINOD S. BHARDWAJ)
JUDGE

23.08.2022
Amandeep

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