

Sr.No.284

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

CWP-16068 of 2022

Date of decision:05.08.2022

Shamsher Singh Dahiya

... Petitioner

versus

The State of Haryana and others

... Respondents

Coram: Hon'ble Mr. Justice Raj Mohan Singh

Present: Mr. C.R.Dahiya, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl.AG, Haryana.

Raj Mohan Singh, J.(Oral)

Petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of mandamus, directing the respondents to restore the security cover of the petitioner in view of his threat perception.

Notice of motion was issued on 29.07.2022 and till the next date of hearing it was ordered that the existing security cover shall not be slashed down. On the adjourned date i.e. 29.07.2022 weapon of one of the Gunman Ramesh taken away by ESI Ajmer Singh was ordered to be restored to Ramesh or in

alternative, one armed security guard was ordered to be provided by the competent authority in Panchkula.

Today status report has been filed on behalf of respondents No.1 to 5. Para No.3 of the status report is reproduced here as under:-

“That in compliance of the above stated order dated 29.07.2022 passed by the Hon'ble Court, for the time being EHC Ramesh Kumar No.713/Bwn, (who was earlier withdrawn) has been deputed as a gunman to petitioner with weapon INSAS vide WAN No.19088-99/W dated 29.07.2022. The copy of WAN message dated 29.07.2022 is annexed herewith as Annexure R-1 for kind perusal of the Hon'ble Court.”

Issue of security is a dynamic process. The competent authority is entitled to assess the threat perception of

the protectee periodically on the basis of inputs to be received from the Intelligence agencies as well as inputs to be provided by the protectee also.

This writ petition is disposed of with a liberty to competent authority to assess the threat perception of the petitioner on the basis of inputs from different agencies including the inputs to be furnished by the petitioner on the basis of documentary evidence (Annexures P-2 and P-3) in accordance with law. Till such time the security already provided to the petitioner shall continue.

Petition stands disposed of accordingly.

5th August, 2022

[RAJ MOHAN SINGH]

Shivani Kaushik

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No