

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRWP-9050-2021

Date of decision :17.02.2022

Beant Singh

.....Petitioner

VERSUS

State of Punjab and Others

.....Respondents

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

Present:- Mr. Swarn Tiwana, Advocate, for the petitioner.

Ms. A. K. Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition had been filed seeking direction to the life and liberty of the petitioner at the hands of unknown person and claiming that the petitioner had been instrumental in ensuring arrest of drug peddlers and that on account of his initiatives taken against the drug *mafia*, life of his family is under constant threat.

Short reply by way of affidavit of Sukhjit Singh PPS, Deputy Superintendent of Police (City-II), District S.A.S. Nagar, had been filed in which Para No.2 to 6 are extracted as under:

“ 2. *With regard to the subject matter of the present petition, it is respectfully submitted that one complaint was received from the petitioner in the office of SSP, SAS Nagar alleging threat to his life and liberty and seeking protection.*

The enquiry into the said representation was conducted from the then DSP (City-2), SAS Nagar, who submitted his report dated 19.03.2019 with the findings that the petitioner is not concerned with any illegal institution and is the CEO of news channel India 24. The petitioner had carried out one rally from Hussainiwala Ferozepur till the residence of Hon'ble Chief Minister, Punjab against the increase of drugs in the state of

Punjab, which was regarding the drug peddlers and sent to the office of DGP Punjab. Accordingly to the petitioner, because of this, he was being followed by people and was alleging threat to his life and liberty as well as the life and liberty of his family members. Because of this, the petitioner wants to take security from the police. But the petitioner has not received any kind of threat from any party or any gang or bad persons and nor has he given any complaint or information to the police department in this regard. Because of this, the petitioner cannot be given security by the police department. Accordingly, it had been recommended to not provide police security to the petitioner. Consequently, the said representation of the petitioner was filed in the office.

3. *It is respectfully submitted that one more representation was received from the petitioner in the office of, SHO, PS Sohana, which was numbered as 3207/5D dated 09.08.2019 and marked for enquiry to ASI Om Parkash. After conducting the enquiry, ASI Om Parkash, submitted his report with the findings that during the course of enquiry, the petitioner could not produce any evidence as regards the averments made by him in the complaint submitted by him. From the secret and disclosed enquiry conducted by him, it transpired that no threat was found to have been received by the petitioner nor has anyone found to have tried to kill the petitioner. The petitioner was found to be moving such complaints only with the intent to obtain security i.e.,gunman. The petitioner is neither having any threat of any kind nor is he having any kind of enmity. He has not supported the law and has not got any criminal person arrested. He only wants to raise his stature by taking the gunman. Accordingly, the recommendation had been made for filing the said complaint in the office, which formed the basis of filing the said complaint in the office.*

4. *That is is respectfully submitted that thereafter, one representation (Annexure P-3) was received at PS Sohana,*

District SAS Nagar from Navneet Kaur alleging therein that on 16.09.2019, at about 8 PM, she along with her husband (petitioner) were going to take medicines for her mother, a car being driven in a rash and negligent manner tried to hit them but they saved themselves. Accordingly, appropriate legal action was sought against the car driver. The said complaint was numbered as 3744/5D/PS Sohana dated 16.09.2019 and marked for preliminary enquiry to ASI Bir Chand.

In pursuance thereof, the enquiry officer i.e., ASI Bir Chand made all possible efforts to associate the complainant in the enquiry, however, the complainant was not found to be residing at the stated address. It is submitted that the complainant did not provide the number of the car, which allegedly hit them and during enquiry, no such occurrence was found to have taken place. Consequently, the recommendation had been made for filing the said complaint in the office and ultimately, the said complaint was filed in the office.

5. *It is respectfully submitted that thereafter, one complaint (Annexure P-4) was received from the petitioner in the office of DGP, Punjab. The said representation was numbered as UID No.1677144 dated 21.10.2019 and marked for enquiry to the office of SSP, SAS Nagar.*

The SSP, SAS Nagar got the enquiry into the said complaint conducted through the DSP (Security), SAS Nagar, who submitted his report with the findings that the petitioner was issued notices/summons to join the enquiry into the aforesaid complaint, however, he did not come present to join the enquiry and accordingly, finding that the petitioner had not given his complaint on the basis of true facts, the recommendation had been made for filing the said complaint in the office.

The then SSP, SAS Nagar thoroughly perused and considered the aforesaid report of the DSP (Security), SAS Nagar and while agreeing with the same, submitted his report dated 06.06.2020 before the DGP, Punjab with the recommendation to

file the said complaint in the office. Consequently, the said complaint was filed in the office.

6. *That it is respectfully submitted that vide the present petition, the petitioner has prayed for issuance of directions to the respondents No.2 and 3 for protecting the life and liberty of the petitioner at the hands of unknown persons besides taking action on his representation (Annexure P-4)*

In response to the same, it is most humbly submitted that the threat perception raised by the petitioner was got assessed by the then SSP, SAS Nagar, through the then DSP (City-2), SAS Nagar, however, finding no threat to the life and liberty of the petitioner, the representations of the petitioner was filed in the office. It is submitted that no threat has been assessed to the life and liberty of the petitioner or his family members.

In view of the facts and circumstances narrated above, the deponent most humbly prays that the present petition filed by the petitioner may kindly be dismissed, in the interest of justice. The answering respondent undertakes to comply with any other order or direction, which this Hon'ble Court may pass, in the facts and circumstances of the present case.”

Faced with the above, learned counsel appearing on behalf of petitioner seeks permission to withdraw the instant petition.

Dismissed as withdrawn.

(VINOD S. BHARDWAJ)
JUDGE

17.02.2022
anil

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