

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

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CWP-19866-2022 (O&M).
Date of Decision: September 05, 2022.

Gurpal Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Munish Gupta, Advocate, for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

Ms. Saigeeta Srivastava, Advocate, for respondent No.5 –
Union of India.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ of mandamus directing the respondents to restore the security of the petitioner in view of the threat perception to the petitioner.

Learned counsel for the petitioner contends that the petitioner is a politician belonging to the Indian National Congress Party and the same is the major opposition party in the State of Punjab and has remained as Spokesperson of Punjab Pradesh Congress Committee. He contends that the petitioner was provided two security personnel by Armed Battalion and one security personnel by IRB. He submits that the petitioner joined Bhartiya Janata Party (BJP) on 22.01.2022 and filed nomination form for contesting Vidhan Sabha Elections from Rajkot which was won over by the Aam Aadmi

Party (AAP). He submits that security has been arbitrarily withdrawn without affording an opportunity of hearing to the petitioner. He further places reliance on the judgment passed by a Coordinate Bench of this Court in the matter of **Om Parkash Soni Vs. State of Punjab and others**, bearing CWP No.11872 of 2022, decided on 22.08.2022. It is further submitted by learned counsel appearing on behalf of the petitioner that the petitioner would be satisfied in case a direction is issued to the respondents to look into the representation which has been appended along with the present petition as Annexures P-4 and take a decision on the same after taking into consideration all the relevant aspects.

Notice of motion.

Sh. Saurav Verma, Addl. AG Punjab, who is present in the Court, accepts notice on behalf of the State of Punjab. Learned State counsel has no objection if the prayer of the petitioner is accepted.

Accordingly, the present petition is disposed of with the consent of the parties and with a direction to the respondent authorities to decide the representation dated 30.05.2022 annexed as Annexure P-4 sent by the petitioner and to pass an appropriate order thereupon, within a period of 4 months from the date of receipt of a certified copy of this order, as per security policy adopted by the State of Punjab, after affording opportunity of hearing to the respective parties.

The present petition is disposed of in aforesaid terms.

September 05, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No