

CRWP-2445-2019 (O&M)

Date of decision : May 19, 2022

Balwinder Singh Sekhon

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S. Bains, Senior Advocate with
Mr. Mohan Singh Chauhan, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Mr. Karan Nehra, Advocate and
Mr. Abhay Josan, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this writ petition is for directing official respondents to take necessary steps for protection of life and liberty of the petitioner. It is submitted that petitioner, who was serving as DSP and performing his duties honestly and diligently, had to face the wrath of respondent No. 2, who at the relevant time and at the time of filing of the writ petition was a sitting Member of Legislative Assembly (MLA) besides Cabinet Minister of the State. It is submitted that certain directions were passed by this High Court in CWP-4886-2003 with regard to removal of encroachments from public property. Petitioner being posted at Ludhiana and in due discharge of his duty, was dedicatedly engaged in removal of encroachments, which somehow was in conflict with the interest of respondent No. 2. It is alleged that petitioner refused to bow down to pressure tactics of

respondent No. 2 and continued to perform his duties with diligence and honesty. Petitioner is stated to have submitted his report in which former Commissioners of Municipal Corporation, Ludhiana as well as respondent No. 2 and certain other politicians were found to be guilty of fraud, grabbing public land and creating encroachments over the said property. It is submitted that petitioner faced the consequences thereof as he was firstly suspended from service, thereafter, charge sheeted and ultimately dismissed from service on 23.08.2021, few days prior to the last date of superannuation. Petitioner, it is submitted, is pursuing his remedies in this regard, however, he continued to face threats at the hands of respondent No. 2. Therefore, present writ petition was filed in December, 2019.

Reply on behalf of the respondents has been filed. Official respondents have taken stand that evaluation was carried out regarding threat perception to the petitioner and no specific inputs indicating any threat to the security of the petitioner from any terrorist/militant/gangsters etc. was found, however, security cover of one PSO was deployed. Respondent No. 2 has denied all allegations raised against him.

Learned counsel for the petitioner is unable to deny that as of now respondent No. 2 is no longer a Minister and in fact not even a member of the Legislative Assembly. However, learned counsel for the petitioner submits that even though respondent No. 2 is not an MLA at this point of time, he still exercises considerable clout.

Be that as it may, learned counsel for the petitioner is unable to point out any immediate threat or threat(s) in the intervening period during pendency of this petition, which the petitioner may have faced, leading to an apprehension of emergent threat to his life and liberty.

Keeping in view the facts and circumstances, this petition is disposed of with a direction that in case petitioner receives any kind of threat etc. to his life and liberty at the hands of respondent No. 2 and submits representation in this regard to the concerned SSP, same shall be looked into immediately and necessary action, if any/as may be required be taken in accordance with law.

Accordingly, petition is disposed of.

It is clarified that there is no expression of opinion on the merits of the case.

May 19, 2022
rts

(LISA GILL)
JUDGE

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