

CRWP-736-2021
Reserved on: 09.05.2023
Date of Pronouncement: 10.05.2023

2. The petitioner contends that he is the Chairman of the abovesaid NGO, which is registered with the concerned department and a license has been granted. Apart from that, he is also running a private security guard agency at Batala and the agency is also approved by the Government. Since the petitioner is helping the general public and providing them information through RTI, as

such he has to go to different places in Punjab. On 19.04.2019, the petitioner moved a complaint before Senior Superintendent of Police, Batala to take action against Prabhjit Singh, who is also running a security agency without any Government approval. An enquiry was marked to respondent No.2 in this regard, but no action was taken against the said Prabhjit Singh. On 25.04.2019, at about 08:15 PM, the petitioner was present at “Chawla Chicken House” at city Road, Batala and in the meantime, Satinder Singh, Prince Nayyar, Deepu Nayyar, Sajan@Fauji, Tarun Kumar, Neeraj Sharma and Vijay Trehan etc. attacked the petitioner and the said occurrence was recorded by CCTV cameras. Again a representation dated 06.05.2019 (Annexure P7) was moved to take action against the respondents, but nothing has been done so far. Further, on 25.12.2020, respondent No.4 along with 7/8 unknown persons forcibly entered the office of petitioner and attacked him and his parents and damaged the office of the petitioner. However, the police registered one FIR No.04 dated 08.01.2021 under Sections 341, 342, 323, 324 IPC against the petitioner only. Thereafter, the petitioner approached the Court of Learned SDJM, Batala on 04.01.2021 and filed one application under Section 156 Cr. PC for registering the complaint. On the directions of learned Court, a cross version was recorded by the local police in the shape of DDR No. 29 dated 09.01.2021 under Sections 451, 323, 324, 427, 506, 148, 149 of IPC, at Police Station City, Batala, (Annexure P-8).

3. The petitioner further contends that he had lodged many complaints against the persons, who were working illegally. The petitioner has further contended that he is residing at Prem Nagar, Batala and as such he is

entitled for claiming protection from Police Station City, Batala.

4. A short reply by way of an affidavit of Deputy Superintendent of Police, Sub Division City, Batala has been filed on behalf of respondents No.1 to 3.

5. Learned State counsel submits that one FIR No.04 dated 08.01.2021, under Sections 341, 342, 323, 324, 34 IPC, Police Station City, Batala was registered against the petitioner, his brother Neeraj Verma and Raj Kumar Verma. In the said case, a cross version under Sections 451, 323, 324, 427, 506, 148, 149 IPC, Police Station City, Batala has been registered against Satnam Singh and others. The abovesaid FIR has been investigated by Deputy Superintendent of Police, City Batala and after enquiry, he found that the petitioner used caste related abuses against the complainant side and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 has been added in the said FIR. Learned State counsel has further informed the Court that one FIR No.60 dated 26.04.2019, under Sections 341, 323, 427, 506, 149 IPC, Police Station City, Batala was registered on the basis of the statement made by the petitioner against Satinder Singh and others.

6. Learned State counsel further submits that the enquiry about the fresh threat perception has been obtained from the SHO, Police Station City, Batala. During the course of enquiry, the statement of the petitioner and other persons have been recorded. However, the petitioner failed to produce any document or proof regarding any threat to him from any corner. Still further, he had not received any threat call on his mobile number. The petitioner is himself running a security agency and is providing security personnels to the persons,

who are in need of security. After thorough enquiry, it was found that there was no threat to the life and liberty of the petitioner. Learned State counsel further submits that appropriate directions have been issued to SHO Police Station City, Batala to ensure the protection of life and liberty of the petitioner. He further assured the Court that in case any representation is made by the present petitioner in this regard, the same shall be looked into and appropriate action shall be taken as per law.

7. I have heard the petitioner in person as well as learned State counsel and with their able assistance, I have gone through the record carefully.

8. The petitioner himself claims to be the Chairman of a NGO “Rights and Anti Crime Associates” and stated that the said NGO is registered with the concerned department and has a license. The petitioner has neither placed on record any such registration or license nor has disclosed any information regarding any social work undertaken by him. Apart from that, the petitioner has claimed in the petition that he was helping the general public in getting the information under RTI and was also running certain social welfare activities. This Court fails to comprehend as to how such welfare activities could annoy any citizen to such an extent that he would cause threat to the life and liberty of the present petitioner. It appears that the petitioner had business rivalry with certain persons, who were running similar business in Batala and both the sides have disputes and in the said process, both sides caused injuries to each other. These minor disputes/fights between two rival businessman could never be a ground for providing security to the present petitioner. In the entire petition, the petitioner has failed to show/plead any ground, which entitles him

to any kind of special security. Even otherwise, a detailed status report has been filed by way of affidavit of Deputy Superintendent of Police, Sub Division City Batala. Learned State counsel has submitted that a fresh enquiry has been conducted and a report has been sought from SHO Police Station City, Batala regarding the threat perception and the petitioner failed to produce any proof regarding any threat perception. Even he has not received any threat call on his phone number. Moreover, the petitioner himself is running a security agency and is providing security personnel to the persons, who requires security at their own expenses.

9. Apart from that, learned State counsel has made a categorical statement that SHO Police Station City, Batala has been directed to ensure the protection of life and liberty of the petitioner, as and when the petitioner approaches him. Consequently, it is apparent that the petitioner is praying for security cover more out of fashion of the day to maintain a status symbol and not for the reason that he might be getting real threats to his life and liberty. Although, it is the duty of the State to protect its citizen and to maintain law and order situation, however, the petitioner cannot ask for the security cover as a matter of right.

10. In view of the above discussion and the assurance made by learned State counsel, no further directions are required and the petition is accordingly disposed off.

(N.S.SHEKHAWAT)
JUDGE

10.05.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No