

CRWP 1091 of 2022 (O&M)

2023:PHHC:040980 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP 1091 of 2022 (O&M)
Date of Decision: 15.03.2023

Ankit Singh

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Narender Pal Bhardwaj, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

The petitioner, who claims himself to be the Additional State Director Drugs & Narcotic Control Division-Punjab and State Director, Governing Division, Haryana of a NGO, namely, National Crime Investigation Bureau (registered under Indian Trust Act 1982) has filed the instant petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* to direct the official respondents to protect the life/liberty and the property of the petitioner by providing intact permanent full time police security cover with armed police officials/gunmen in view of the notifications/policies (Annexures P-20 to P-22) and also in view of the statutory provisions of Whistle Blowers Protection Act, 2011 and the orders Annexures P-29 and P-30 issued by DGP, Haryana.

The learned counsel for the petitioner contends that the petitioner was appointed on the above said post by the Chairman of

the “National Crime Investigation Bureau” on 25.02.2021. The role of the petitioner on the said post of the NGO is to research and provide secret information about the crime, corruption, anti-national activities, smuggling, fake currency, bonded labour, child labour etc., to the State Government, Union Government, Police and to protect human rights, citizen rights, education rights, RTI and all those rights of the aggrieved and the tortured persons within the framework of the Indian Constitution.

Learned counsel further submits that earlier the petitioner was working as State Director of Haryana in the said NGO and as a NGO official and as a RTI activist, he had unearthed huge corruption in the Prison Department Haryana as well as in Women and Child Department Haryana. Due to the RTI applications and complaints as filed by the petitioner, many officers of both the departments were facing departmental inquiries and some of them were even charge sheeted by their respective departments. Now the petitioner was given additional charge as an Additional State Director, Punjab (Drugs and Narcotics Control Division of the said NGO). Learned counsel for the petitioner further submitted that in the year 2019, the petitioner was falsely implicated in a FIR under the Prison Act and on inquiry being held by the Chief Judicial Magistrate, the petitioner was found innocent.

Learned counsel for the petitioner has further contended that in his capacity as a NGO official, he had submitted many

representations for grant of security and the said representations were forwarded to ADGP (Security) Punjab by the Director Bureau of Investigation Punjab. He further contended that CID official verified the antecedents of the petitioner on 26.08.2021 and collected some valuable documents pertaining to the said organization and submitted his report to the concerned department. The petitioner also submitted various representations Annexures P-7 and P-8 to various authorities but no action was taken. He further contended that the petitioner had received a threat call from Pakistan from Mobile N. 92-3069001760 at 09.42 a.m. and a DDR No. 21 dated 17.11.2020 (Annexure P-9) was registered in this regard. Learned counsel further submitted that various representations were submitted to Additional Director General of Police (Security) Punjab and a request was made to provide him adequate security. Since the NGO of the petitioner is involved in tasks of discovering huge corruption in various departments of Punjab and Haryana, several persons have extended threats to the petitioner and the State was under a legal obligation to provide adequate security to him, so that no harm may be caused to him. Learned counsel for the petitioner further referred to notification dated 11.01.2013 issued by the Department of Home Affairs and Justice, Government of Punjab, whereby, a policy was framed to provide security to whistle blowers and RTI activists, in compliance of the orders passed by this Court in Criminal Miscellaneous No. M-12665-2012 (O&M). As per the said policy, two committees, i.e. District Level committee and State Level

Committee shall be constituted to look into the matter regarding providing security to whistle blowers and RTI activists including the complainant and witnesses in different cases. As per the said policy, in cases, where a whistle blower/RTI activist/complainant/witness has a threat perception or there is danger to his life and liberty, he may be approach District Magistrate or the Commissioner of Police, as the case may be and the concerned Authority shall be bound to make an inquiry into threat perception within a period of 48 hours of the receipt of the application and if threat perception is found to be genuine, he shall be provided security forthwith. Still further, the assistance of the Intelligence Wing as well as District Police shall be taken to access the threat perception. Similarly, vide communication dated 14.06.2013 (Annecure P-21) the Ministry of Home Affairs, Government of India, issued directions to the State Governments/U.T. Administrations for taking additional measures/mechanisms to introduce in their respective jurisdiction for the strict compliance of the suggestions of DOPT. Still further, the learned counsel for the petitioner also placed reliance on the letters Annexures P-29 and P-30 sent by DGP, Haryana to different officers whereby certain communications were shared by him with the lower police officers. Learned counsel for the petitioner has contended that he has already represented to various authorities to provide him full time security cover, but no heed was paid to his requests. He had also filed one Civil Writ Petition 20094 of 2021 and sought the same relief.

However, vide order dated 01.10.2021 (Annexure P-1), this Court has disposed off the civil writ petition with a direction to the Additional Director General of Police (Security) Punjab to consider the representation dated 02.09.2021 and to evaluate the threat perception to the petitioner and to take necessary action, in accordance with law, for provision of security to the petitioner. However, vide order dated 23.12.2021 (Annexure P-2), the Additional Director General of Police (Security) Punjab, informed the petitioner that the provisions of personal security cover at State expenses was not warranted in the present case. Since the order does not disclose any reasons for the rejection of his request for grant of security, the same is also liable to be quashed by this Court.

A reply by way of affidavit of AIG (Security) Punjab was filed on behalf of the official respondents. Learned counsel for the State of Punjab has submitted that norms and guidelines for providing security to individual protectees had been laid down in the State Security Policy dated 02.09.2013, which was notified by the State in pursuance of the directions passed by the Hon'ble Apex Court in SLP No. 25237 of 2010 in a case titled as “**Abhay Singh Vs. State of U.P. and others**”. As per the orders of this Court, a fresh assessment of threat perception of the petitioner was carried out by the Additional Director General of Police (Security) Punjab in view of the guidelines prescribed in the State Security Policy. As per the reports received from the Intelligence Wing, Punjab, there was no specific threat input

indicating any threat to the security of the petitioner from any terrorist/militant/gangster outfits operating in the country. Not only that, a report was received from the SSP, Security and Traffic, Union Territory, Chandigarh to the effect that the petitioner had submitted that he received a Whatsapp call from unknown numbers regarding threat etc., and he had made a complaint to the local Police Station, Sector 49, Chandigarh. However, the petitioner did not want any police action on his complaint made to SSP, U.T., Chandigarh. Learned State counsel further submitted that provisions of personal security cover to the petitioner at State expenses was not warranted at this stage, within the framework of State Security Policy and the petitioner has already been informed by Additional Director General of Police (Security) Punjab, in this regard. Consequently, it was prayed that provisions of personal security cover/armed guards to the petitioner at State expenses was not warranted, at this stage, within the framework of the State Security Policy.

I have heard learned counsel for the parties at length.

Vide order dated 02.03.2023 passed by this Court, the learned State counsel was directed to produce the relevant record/reports received from the Intelligence Wing, Punjab Police, as well as the report received from the police of Union Territory Chandigarh, before this Court. During the course of proceeding, the learned State counsel had produced the entire record in this regard, whereby, it was found that there was no threat perception to the

present petitioner and there was no specific threat to the security of the petitioner. I have carefully perused the said record/reports which clearly show that there is no grave threat perception or imminent danger to the present petitioner, warranting the grant of armed guards/police security cover to the present petitioner at the State expenses.

The petitioner alleged that he had received a Whatsapp call from some phone number of Pakistan and he had lodged a DDR in the police station in this regard. Still further, even the petitioner has placed on record a General Diary Report No. 53 dated 07.06.2022, registered at Police Station Zirakpur, whereby he made a complaint against unknown persons regarding giving death threats by blocking his way. However, even from the contents of the said GDR report, it is apparent that there is no threat perception to the present petitioner. Still further, no doubt the State is providing personal security to some persons, which is known "Position Based Security". However, unless it is shown that there is a threat perception to the petitioner, the State is not under an obligation to provide such protection.

Even otherwise, the State Level Security Committee, which is headed by the Additional Director General of Police (Security), Punjab has already examined the case in detail in the light of the reports prepared by the Intelligence Wing as well as reports prepared by the SP (Security), U.T., Chandigarh and it was found that

apparently there was no threat to the present petitioner from any terrorist/militant/gangster operating in the country.

Apart from that, even the matter has been considered by the Committee in the light of the instructions (Annexures P-20 and P-21) as relied upon by the petitioner. Consequently, it is apparent that the petitioner is demanding 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. Although, it is bounden duty of the State to protect its citizens and to maintain law and order situation, however, the petitioner cannot ask for the security cover, as a matter of right, and, that too, in the wake of the facts and circumstances elaborated above.

Consequently, the instant petition lacks merits and is ordered to be dismissed.

All pending applications, if any, are disposed off, accordingly.

15.03.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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