

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

269

**CWP-11213-2023
Date of decision: 11.12.2023**

SANJEEV SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present: - Ms. Vaishali Thakur, Advocate for
Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Teevar Sharma, Asstt. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer made in the present writ petition is for directing respondents to restore/provide security to the petitioner in view of the constant threats and attempt made on his life and liberties.

2. Counsel for the petitioner has vehemently argued that the petitioner is a member of the State working Committee of BJP, Punjab and he is Incharge of District Jalandhar. He had also been the District President of Hoshiarpur (Rural) from the year 2015-2022 and also served as a Sarpanch of Village Bhambowal from 2013 to 2018. His mother is currently the Sarpanch of the said village. The petitioner claims to have had a long and effective political career having served as a member of the Block Samiti,

Block President of BJP as well as having contested election of Zila Parishad. He also provides his services in Rashtriya Swayamsevak Sangh (RSS). As a mark of his active social and political contributions, he was made Member of the State Working Committee of BJP on 26.12.2022. It is claimed that on account of his association to the above political party he is being targeted since the Kisan Andolan and certain miscreants have attacked the house of the petitioner. On certain occasions he was also attacked & surrounded while travelling in his car. The said incident was reported to the police on 14.02.2021, however, no action was taken thereupon by the concerned Station House Officer. A fresh complaint was thereafter submitted again on 18.02.2021 to the Senior Superintendent of Police, Hoshiarpur. Despite submission of repeated complaints, no effective steps have been taken by the State Agencies. Only a General Diary No. 030 dated 28.02.2021 was recorded mentioning about the said incident. It is further argued that even thereafter, on many occasions and functions, the miscreants have tried to open an attack on the petitioner. A similar incident also occurred when the petitioner alongwith his family members had come to Chandigarh for attending a State Party meeting on 11.11.2021. FIR No. 0231 dated 12.11.2021 was registered under Sections 457 and 427 of the IPC at Police Station Dasuya, District Hoshiarpur relating to the said incident. The assaults have still not stopped and anti social elements attacked his house and broke the glass pane by pelting stones regarding which a DDR was recorded on 27.11.2021. It is contended that the petitioner is continuously and consistently being targeted by the miscreants. Finally, two gunmen were provided on the input received from the Intelligence Bureau. The said security cover has now been arbitrarily withdrawn by the Senior

Superintendent of Police, Hoshiarpur. The present petition was thus filed before this Court for seeking restoration of the security to ensure that life and liberty of the petitioner as well as members of his family is protected.

3. A short reply by way of affidavit of Satinderpal Singh, PPS, Assistant Inspector General of Police, Security, Punjab had been filed on 18.08.2023 wherein it has been averred as under:

"3. That in compliance and pursuance of the orders of this Hon'ble High Court, a fresh assessment of threat perception in respect of petitioner has been carried out by the office of Additional Director General of Police, Security, Punjab, as per the guidelines prescribed in the State Security Policy-2013 in accordance thereof, fresh threat perception reports have been obtained from the concerned quarters.

4. That the threat reports have been examined by the office of respondent No.3 which were obtained from the concerned quarters i.e. the State Intelligence Punjab and the Sr. Supdt. of Police, Hoshiarpur. The Special DGP, Internal Security, Punjab has stated in their report that the petitioner is associated with Rashtriya Sikh Sangat, Punjab. He is agriculturist by profession. According to the field unit report and office report at present, there is no specific threat input indicating any threat to the security of the petitioner and his family members from any terrorist/militant/gangster outfits operating in the country. The Sr. Supdt. of Police, Hoshiarpur has intimated that the petitioner is former District President of BJP, currently he is the State executive member of BJP and in-charge of District Jalandhar BJP Organization. Nothing has come to the notice that there is any threat to the petitioner from any terrorist / separatist or any anti-national organization,

nor has there been any kind of threat to the petitioner. However, the security cover of the petitioner has been covered through patrolling by the Police and PCR patrolling. Keeping in view of the present situation, it is not recommended to provide any security cover to the petitioner i.e. Sh. Sanjeev Singh.

5. That the respondents are guided by the norms and guidelines laid down in the afore mentioned State Security Policy 2013. According to the State Security Policy 2013, personal security cover to private individuals is provided on the basis of an evaluation of threat perception, which is subject to periodic reviews. The perception of threat is evaluated on the basis of an elaborate threat assessment exercise, and it is only after a careful consideration and an objective assessment and analysis of latest inputs received from the State Intelligence/field units that the security cover is deployed withdrawn/or modified accordingly. The office of Addl. Director General of Police, Security, Punjab is the competent authority for carrying out assessment of threat and for the deployment/withdrawal/review of security cover.

6. That it is humbly submitted that the norms and guidelines for providing security to individual protectees have been laid down in the State Security Policy 2013, which was notified by the Punjab Government on 02.09.2013, in pursuance of the directions of the Hon'ble Supreme Court in SLP No. 25237 of 2010 in case titled Abhay Singh v/s State of UP and others. The State Security Policy-2013 stipulates that "Police officers are recruited, trained and maintained at a huge cost borne by the taxpayer, and are, therefore, meant to be deployed for the protection of the community. Providing police officers to individuals for their protection at the cost of the

taxpayer is not the function of the State or the government and that "personal protection at State expense was always meant to be an exception, and not the rule. Further according to the "Yellow Book" issued by the Ministry of Home Affairs. New Delhi laid down guidelines for making security arrangements for protection of individuals "The tendency to continue with security arrangements even in the absence of real threat should be avoided"

7. That the petitioner had earlier filed CWP No. 16431 of 2022 in the Hon'ble Court, seeking security cover for himself, which was chibbed with CWP No 11872 of 2022 titled as Sh. O.P. Soni vis State of Punjab & others. As Direction of the Hon'ble High Court, order dated 22.08.2022 to take a fresh threat perception reports in respect of the petitioner from the concerned quarters and as well as inputs of the petitioner. As per direction of the Hon'ble Court a fresh threat perception reports were obtained from the Central Agency, the State Intelligence, Punjab and the Sr. Supdt. of Police, Hoshiarpur. As per received threat perception reports of the petitioner, there is no specific threat input pertaining to petitioner from the any terrorist/militant/gangster outfits operating in the country and also the Sr. Supdt of Police, Hoshiarpur has stated that there is no specific threat to the petitioner from militant/Separatist/anti-social organisation. In this regard, a speaking order had been passed by this office on 10.12.2022 and intimated to the Registrar, Hon'ble Punjab and Haryana High Court Chandigarh vide letter dated 12.12.2022. As per speaking order it was decided by this office that one PSO already deployed shall continue with the petitioner till 31.12.2022, on purely temporary basis which will be subject to periodic review as per the guidelines laid down in the State Security

Policy and there after the security cover of the petitioner was withdrawn.

8. That in view of the above mentioned facts and circumstances, it is submitted that the provision of personal security cover to the petitioner at state expense is not warranted in the instant case, as per the guidelines laid down in the State Security Policy-2013. However, direction had issued to the Sr. Supdt. of Police, Hoshiarpur to adequately sensitize the local police to take suitable, need based preventive measures so as to avoid any untoward incident."

4. Counsel for the respondent-State, while placing reliance on the aforesaid extract of the written statement, contends that in terms of the order dated 22.08.2022 passed by this Court in CWP-11872 of 2022, a threat assessment report with respect to the petitioner had been obtained from all the quarters including the Central agencies, the State intelligence as well as the Senior Superintendent of Police. On a consideration of the threat assessment reports, there is no specific threat input pertaining to the petitioner from any terrorist/militant/gangster outfits operating in the country and a specific report in this regard has also been submitted by the Senior Superintendent of Police. A speaking order was also passed by the respondents on 10.12.2022 and intimation in this regard was sent to the Registrar, Punjab and Haryana High Court on 12.12.2022. One PSO, that had been provided to the petitioner was to continue till 31.12.2022 on purely temporary basis and the security cover was thereafter liable to be withdrawn. The said order of 10.12.2022 is not a subject matter of challenge in the present petition.

5. I have heard learned counsel appearing on behalf of the parties and have gone through the documents available on record. It is evident from a perusal of the reply, contents whereof have not been disputed or denied, that the threat perception of the petitioner has already been reviewed by the competent authority in accordance with law and after obtaining inputs from the Central Intelligence Agency as well as the State Intelligence Agencies. On a periodic review of the threat perception, there was no material available with the State agencies on the basis whereof continuation of the security deployment, to protect the life of the petitioner, was warranted or mandated. An order in this regard was specifically passed by the respondents on 10.12.2022, under intimation to the Registrar of the Punjab and Haryana High Court vide letter dated 12.10.2022. The said order is also not a subject matter of challenge in the present petition.

6. The factual aspects pointed out by the respondents and the threat assessment not being challenged, there is no material for this Court to come to any conclusion to the contrary and to direct restoration of security considering that providing security casts a burden on the public exchequer and unless certain compelling circumstances are made out for continuing the security cover, the same cannot be claimed as a matter of right. The incident pertains to the year 2021 when there was a protest launched by the farmers and the instances of surrounding & demonstration that took place then cannot be cited as reasons for claiming security in perpetuity. The said protests having been settled and the farmers laws having been recalled, the circumstances existing then have undergone a sea change. The changed scenario has been duly taken into consideration by the respondents while reviewing the threat.

7. I find that there are no sufficient grounds that exist for issuance of directions to the respondent-State to restore the security cover to the petitioner at this juncture.

The petition is accordingly disposed of at this stage as having been adequately considered and warranting no further directions.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 11, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No