

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

102+234

**CM-6832-CWP-2023 IN/AND
CM-15584-CWP-2019
CWP-15483-2019 (O & M)
Date of decision: 19.07.2023**

ARVIND KUMAR SHARMA

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Vipin Pal Yadav, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

CM-6832-CWP-2023

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 seeking permission for placing on record replication to the reply filed by the respondents No.1 to 3 (05.02.2021) and FIR No. 152 dated 28.02.2023 as Annexure P-6.

Application is allowed as prayed for.

CM-15584-CWP-2019

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 seeking permission for placing on record application dated 02.04.2018 moved to the I.G. CID, Panchkula as Annexure P-5.

Application is allowed as prayed for.

CWP-15483-2019

1. The present petition has been filed for grant of security to the petitioner.

2. The petitioner has claimed that he was provided police protection on apprehension of threat at the instance of person accused in case FIR No. 74 dated 23.02.2017 under Sections 147, 186, 188, 307, 309, 353, 436 & 506 IPC read with Section 149 of the IPC registered at Police Station City Narnaul. The said incident occurred in presence of Duty Magistrate as well as police party that had been deputed for execution of warrants of possession. The accused tried to thwart execution by sparkling kerosene on themselves as well as on police party. On a complaint by the petitioner and inquiry by the respondents, police protection was granted on 29.06.2018 which was withdrawn on 28.08.2018. Certain charges @ Rs. 1700 per day were also demanded which was replied to by the petitioner. Challenge was thus raised to the demand as well as a prayer was made for continuation of the police protection. RTI information is also claimed to have been sought by the petitioner but no information has been placed on record.

3. Reply by way of affidavit of Narender Kumar, HPS, Deputy Superintendent of Police was filed on 24.03.2021, wherein the factual aspect of registration of criminal case is not disputed. It is however, additionally submitted that the accused already stand acquitted in the said case vide judgement dated 02.11.2017. Further, at the time of providing the protection, the same was to be provided as per

law. The Station House Officer also submitted his report that protection may be granted at his expenses, which such facts were apprised to the petitioner. The demand of the expenses cannot thus be denied at this stage. The information sought for under the RTI was filed being related to security & safety of 3rd parties & no challenge or appeal was filed against the same.

4. Replication to the written reply was filed in April, 2023 reiterating the averments contained in the petition. Reference was also placed on FIR No. 152 dated 28.02.2023 registered at Police Station City Narnaul under Section 25 of the Arms Act read with Section 526/34 IPC registered on the complaint of Alok Kumar son of the petitioner alleging that he saw 3 persons were following him & enquired about his name. A weapon was also seen out of their pocket.

5. A query in this regard from the State counsel who informed that an untrace report has been recommended qua the above FIR No. 152 dated 28.02.2023 on 01.06.2023. No evidence qua the incident or allegation of 28.02.2023 were supplied by the son of the petitioner. It has also been informed that a security arrangement was made on receipt of complaint.

6. I have heard learned counsel for the respective parties & gone through the documents available on record.

7. Undisputedly, the accused in FIR No. 74 dated 23.02.2017 were acquitted by the Additional Sessions Judge vide judgment dated 02.11.2017 and untrace report had been sent with respect to FIR No. 152 dated 28.02.2023 on 01.06.2023. Further, the application submitted

by the petitioner on 02.04.2018 (Annexure P-5) has also been perused. The petitioner has referred to the registration of FIR No. 74 dated 23.02.2017 and has averred that the accused are on bail & are exerting pressure on the petitioner from different sources. Even though the application was submitted on 02.04.2018 and the accused had already been acquitted on 02.11.2017, the applicant chose to conveniently conceal the same to give an impression as if the case was pending. The police authorities too have conveniently chosen to ignore the same.

8. There is no untoward incident reported despite a lapse of more than 6 ½ years of the incident. There is thus no valid basis to impress that threat continues to exist & ought to be provided. State resources as a means to flaunt status would be an abuse of resources.

9. Taking into consideration, the aforesaid aspects, I do not find any grounds to issue any further directions. The present petition is accordingly disposed of at this stage. The Police Authority shall, however, take such appropriate steps as are deemed necessary by it to ensure that there is no unwarranted danger to the life of the petitioner.

(VINOD S. BHARDWAJ)
JUDGE

JULY 19, 2023

Vishal sharma

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