

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

207 (two cases)

**CWP-12169-2018 (O&M) &
CRWP-11790-2022**

Date of Decision: 17.08.2023

SURJIT SINGH BHULLAR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. M.B. Rajwade, Advocate
for the petitioner in CWP-12169-2018.

Mr. Shagun Thapar, Advocate for
Mr. Hitesh Verma, Advocate
for the petitioner in CRWP-11790-2022.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The prayer in the present petition is for quashing of the inquiry report with regard to the threat perceived by the petitioner, submission of the report by Police Station Rampura City dated 29.09.2017 (Annexure P-12) as well as the impugned order/letter dated 08.10.2017 (Annexure P-13) passed by Addl. DGP (Security) affirming the inquiry reports dated 06.11.2017 and 13.04.2018 (Annexures P-14 and P-15) being illegal and in violation of Article 21 of the Constitution of India as well as the Security Policy Notification 2013 (Annexure P-3).

Briefly summarized, the facts of the present case are that the petitioner claims to be the President of one "The Bhullar (Bhaichara) Sabha Sidh Bhullar Samdhadian Mari (Regd.), which is managing the affairs of

sacred site namely 'Samadh of Sidhi Bhullar Ji'. The Shiromani Gurudwara Prabandhak Committee is alleged to have made attempts to interfere in the management of the Samadh, whereupon proceedings under Sections 145 and 146 of the Cr.P.C. were initiated and the property was stated to be handed over in possession to the receiver. Notwithstanding the Hukamnama issued by the Akal Takhat, the petitioner as well as the Members of Bhullar Jats continued to worship the Samadh of their forefathers at the sacred site. Due to violation of the Hukamnama, the petitioner apprehended threat to his life. Hence, an application to provide protection was submitted to Police Station Phul. Vide inquiry report dated 25.09.2014, it was recommended that security be provided to the petitioner. However, the security provided to the petitioner was thereafter withdrawn in October 2014. In March 2015, the petitioner got registered FIR No.12 dated 06.03.2015 for commission of offences punishable under Sections 436 and 427 of the IPC at Police Station Phul District Bathinda as some person had set fire to a cot in the courtyard of the house of the petitioner causing burning of the clothes lying thereupon. Another FIR No.71 was also got registered on 22.09.2015 for offences under Sections 341, 427, 435, 34 of IPC at Police Station Phul, when the petitioner and his companion were attacked by some unknown persons. A CRM-M-24946-2017 is also stated to have been filed by the petitioner in his capacity as President of the Intizamia Committee, Gurudwara Sahib Marddi Sikha for setting aside of the proceedings under Sections 145 and 146 of the Cr.P.C. whereafter the petitioner received a letter on 31.08.2017 containing serious and grave threats, equating the petitioner at par with the Sant of Sirsa Dera. A threat of meeting the same fate like that of one Ajit Singh Poohla, Jathedar of Tarna Dal was

also extended. The petitioner thus filed CWP-21474 of 2017 titled as ‘Surjit Singh Bhullar Vs. State of Punjab’, which was disposed of by this Court vide order dated 20.09.2017 directing the respondent No.3 –Addl. Director General of Police (Security) Punjab to decide the representation and to take a decision thereupon.

A detailed representation was thereafter submitted by the petitioner on 25.09.2017 giving all the details of the threats and FIRs registered. A report was also submitted by the Senior Superintendent of Police, Bathinda regarding the threat apprehension and as per the prescribed proforma. However, in the report dated 29.09.2017, the SHO, Police Station Rampura City reported that the residence of the petitioner is at Village Depali, which is in the jurisdiction of Police Station Phul, hence, the inquiry ought to be conducted by Police Station Phul. The Addl. Director General of Police (Security) Punjab in terms of the letter dated 08.10.2017 also stated that the case of the petitioner does not fall within the security norms and parameters of threat perception as per the State Security Policy of 2013.

The SHO, Police Station Phul, however, prepared a report on 06.11.2017 wherein wrong and misleading facts had been allegedly stated. Another inquiry is also stated to be conducted by HC Jagdeep of Police Station Phul who reported that the petitioner had received multiple threats. Notwithstanding that the petitioner apprehends real danger to his life and liberty, the necessary steps have not been taken by the respondents. Hence the present petition.

In compliance of order dated 24.05.2018 passed by this Court, reply dated 05.07.2018 by way of an affidavit of Paramdeep Singh, PPS, AIG

(Security), Punjab was filed initially, wherein it was stated that an objective assessment of the private individuals who were granted security as per the procedure and guidelines laid down in the States Security Policy of 02.09.2013 was being carried out on the basis of current threat inputs obtained from the intelligence wings and the local police. As on the date of the said affidavit, as many as 896 private persons had been provided security cover on assessment of threat perception.

Thereafter, reply by way of affidavit of Gurdeep Singh Gill, PPS, Deputy Superintendent of Police, Sub Division Phul was also filed on behalf of respondents No.1 to 5, wherein it was admitted that even though the petitioner was provided security cover on 25.09.2014, however, the same was later on withdrawn as there was no continued, evident or perceived threat or danger to the petitioner. In reference to the FIR that had been registered at the instance of the petitioner, it was submitted that the matter was investigated to a logical end and an untraced report was submitted. The subsequent FIR also met the same fate.

The matter came up for hearing before this Court on 06.07.2018 when this Court directed the respondents to furnish information as to how many private persons have been given security on payment basis. The said information was furnished vide affidavit dated 08.08.2018 sworn by Manjit Singh, Deputy Superintendent of Police, Security, Punjab as per which 16 persons had been provided security on payment basis. The details of the persons were also furnished to this Court through an additional affidavit of AIG (Security) Punjab dated 23.01.2019.

An affidavit of Paramdeep Singh Sandhu, AIG (Security) Punjab was again filed pursuant to the directions issued by this Court on 03.07.2019 and it was mentioned therein that the allegations levelled by the petitioner in the FIRs were duly inquired into and the said cases stand untraced. As regards, a fresh threat assessment, it was reported that nothing has surfaced on the basis whereof any threat to life and liberty of the petitioner could be apprehended. It was also reported that even though the genesis of FIR No.71 was qua having been extended threat, however, no bodily injury or damage to the property was caused. A detailed speaking order was thereafter passed on 06.10.2017 wherein reasons for not providing security to the petitioner were mentioned. However, such assessment being sensitive and in the interest of maintaining confidentiality of such information, the substance of threat assessment was not shared. The assessment was, however, conducted through due process and after seeking reports from the relevant agencies and a complete exercise for assessment was undertaken. Such confidential exercise is not exposed to the individual or general public to avoid its misuse by unscrupulous elements and even the proceedings have been kept out of the purview of Right to Information Act, 2005 as well.

An application was thereafter filed by the petitioner pointing out that the threatening calls have been received by him. He sought preponement of the date of hearing. The matter was listed for hearing on 17.02.2020 when this Court directed the Addl. Director General of Police (Security), Punjab to look in to the matter and file his report before the next date of hearing. In compliance to the same, an affidavit of Ajay Maluja, IPS, Senior Superintendent of Police, Bathinda was filed, as per which it was stated that

the inquiry into the allegations levelled by the petitioner about receipt of a threatening call was conducted and the findings of the inquiry report had been submitted to the Addl. Director General of Police (Security) Punjab. Alongwith the inquiry report, an affidavit dated 03.06.2021 was also filed by the AIG, Security, Punjab alongwith a CD containing record of the inquiry conducted. It was reiterated that the said telephonic conversation was held between the petitioner and one Jagwant Singh Bhullar from the mobile phone of Khushveer Singh son of Harcharan Singh and that there was no threat extended. No animosity was also found to be existing between them. It was reiterated that there was no existence of any specific threat to the life and liberty to the petitioner.

It is evident from the consideration of all the above material that the matter in question pertaining to the threats and apprehensions expressed by the petitioner have been examined at multiple levels and on multiple occasions by the respondents and they have concluded that there was no real and/or tangible threat to the life and liberty of the petitioner. No objective, real and tangible material has been brought on record by the petitioner, which could substantiate the threat. In the absence of any such cogent, admissible and reliable material, I find that the apprehension expressed by the petitioner is misplaced and ill-conceived. Even more, the learned State Counsel has pointed out that as an additional precautionary measure, two police officials have been deputed at Gurudwara Mari Sikhan to avoid any untoward mishap.

Seeking a protection cover is not a matter of a right. Unimpeachable, valid and objective evidence is required to be placed for seeking an entitlement as a dedicated special police protection. Deployment of

security comes at a huge cost to public exchequer apart from withdrawing personnel from general law and order duty. It cannot be claimed only to bolster the status or to satiate the quest to feel important. Any fictional apprehension of threat, which is not corroborated, cannot be used as a valid basis for directing that protection ought to be granted.

Allegation about having received a threat call or having received an anonymous message or any stray incident to immaterial good are much often tools mischievously deployed for justifying grant of security. Receiving such anonymous messages or calls can be easily solicited.

Despite lapse of a substantial period of 5 years and repeated examination of material submitted and claim made by the petitioner, there is no untoward incident that has happened which may discredit the assessment report, the enquiry and the decision.

In view of the above, I do not find that there exist any circumstances warranting issuance of directions to the respondents to provide any additional security cover to the petitioner.

The present petition is thus misconceived and the same is accordingly dismissed.

Any other misc. application(s) also stand(s) disposed of accordingly.

CRWP-11790-2022

This petition has been filed for seeking necessary directions to the respondents No.2 to 5 to protect the life and liberty of the petitioner and to provide security to the petitioner.

In view of the detailed judgment passed in CWP-12169-2018, the present petition stands dismissed.

Photocopy of this judgment be placed on the file of another connected case.

AUGUST 17, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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