

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

112

CWP-15751-2023 (O&M).
Date of Decision: 06.11.2023.

SUKHBIR SINGH BRAR

.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Varun Girdhar, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition had been filed for seeking issuance of directions to the respondents to restore the security protection provided to the petitioner on account of the prevailing security threat at the behest of politically vested interests.

The petitioner, who is a contractor with the Military Engineering Services, had approached this Court for seeking protection. It is averred that on 18.10.2022 the petitioner had received a phone call from a person namely Deepak Tinu who had further connected a conference call with Gangster named Lawrence Bishnoi and he was asked to obey the orders given by Deepak Tinu otherwise the petitioner along with his family members would be eliminated. A complaint is stated to have been lodged by the petitioner with the police officials whereupon the FIR No.150 dated 18.10.2022 under Section 386 and 506 of the Indian Penal Code, 1860, was registered at Police Station, Kulgari, District Ferozepur. Two guards

namely Head Constable Sheesha Singh No.238/FZR and Head Constable Sher Singh No.233/FZR had been appointed. The grievance of the petitioner was that instead of enhancing the security cover provided to the petitioner, the respondent authorities have withdrawn the existing security cover.

Pursuant to the notice issued, a status report by way of an affidavit of Ajay Kumar, PPS, the Deputy Superintendent of Police, Security, Punjab, has been filed and the relevant paragraphs of the aforesaid status report are extracted as under:-

“4. The State Intelligence, Punjab has reported that the matter regarding fresh threat perception of the petitioner has been carried out by this office. The petitioner is President of Contractors Association, Ferozepur. According to the field unit report and office record, at present, there is no threat input indicating any threat to the security of the petitioner from any terrorist/militant/gangster outfits operating in the country. Further advised to seek local threat perception from the concerned district and factor it into the overall threat assessment of the individual concerned

5. That Senior Superintendent of Police, Ferozepur, has reported that the petitioner is working as a Contractor in M.E.S Ferozepur Cantt. and he received phone calls from Deepak Tinu and Lawrence Bishnoi Gangsters on his mobile number from mobile number 13364442224, +44744493200, 8905605652 regarding extortion and death threats. In this regard, on the statement of the petitioner an FIR No.150 Dated 18.10.2022 U/S 386/506, was registered against Deepak Tinu and Lawrence Bisnol at Police Station Kulgari, Ferozepur. The residence of Sukhbir Singh Brar, is located outside the village, in view of the above 02 gunmen were deployed with the petitioner Sukhbir Singh Brar on temporary basis. The accused

of this case have been arrested in different cases and are locked up in different jails. However, after registration of the above case, Sukhbir Singh Brar, did not receive any threatening calls, and the petitioner did not give any written application to the police about receiving threats after that. Keeping in view the above situation, approx 04 months ago, one security personnel was reduced from his security on 06.04.2023. At present, one security person is deployed with the petitioner, on temporary basis which is sufficient for his security. There is no need to give him more security.

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, which was notified by the Punjab Government on 02.09.2013, in pursuance of the directions of the Hon'ble Supreme Court passed in SLP No. 25237 of 2010 in case titled as Abhay Singh v/s State of UP and others. The respondents are bound by the norms and guidelines laid down in the State Security Policy which 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 that the 'Yellow Book' issued by the Ministry of Home Affairs, New Delhi, states that "The tendency to continue with security arrangements even in the absence of real threat should be avoided."

It is thus evident that the threat assessment to the petitioner has already been done and temporary arrangement for providing security to the petitioner has been made.

Hence, no further directions are required to be issued in so far as the security issue relating to the petitioner is concerned. However, it is being noticed that in paragraph No.5 of the above said status report, the Senior Superintendent of Police, Ferozepur, has reported that “the petitioner had received a phone call from Deepak Tinu and Lawrence Bishnoi.”

Learned State counsel fairly concedes that Lawrence Bishnoi was in police custody and was lodged in High Security Jail at the relevant point of time. The aspect that despite being lodged in a High Security Jail, the said gangster was having an access to the mobile/phone numbers so as to have an interaction qua ransom call is a matter of grave concern.

As the learned State counsel is unsure as to whether on the said date, Lawrence Bishnoi, was in custody or not, let the matter be brought to the notice of the Additional Director general of Police (Prisons) Punjab, to conduct an inquiry and to fix responsibility, if any, about the occurrence of the event of an inmate having access to mobile/phone number. The status report be filed before this Court within a period of 08 weeks from today.

Petition stands disposed of.

November 06, 2023
raj arora

Whether speaking/reasoned
Whether reportable

(VINOD S. BHARDWAJ)
JUDGE

: Yes/No
: Yes/No