

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

213

**CRWP-10726-2022 (O&M)
Decided on : 13.03.2023**

Baldev Singh Randhawa

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. S. S. Grewal, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

While hearing the petition on 15.11.2022, some of the submissions were noticed and thereafter, following order was passed by this Court:-

“Petitioner – Baldev Singh Randhawa, aged 56 years, has approached this Court for seeking direction to the Police Administration of State of Punjab i.e. respondents No.2 to 5 to provide him protection of life from the hands of terrorists of Pro-Khalistani Organization i.e. Khalistan Commando Force, which is stated to be organized by the terrorists of Paramjit Singh Panjwarh Group.

In para No.2 of the present petition, petitioner has given details that how three of the family members/relatives of the petitioner have murdered by the Members of the said group.

Para No.2 says as under:-

“2. That the petitioner is victim of grave terrorism and have lost his three close family members within few years of dark days. The following is the list of murders, their FIR's and threat letters which the present petitioner and his family have faced:-

i. On dated 11.04.88 Ranjit Singh son of aunt of petitioner (Real Massi's son of petitioner aged 27 years) was killed by Khalistani terrorists and the FIR for the same.

ii. That soon thereafter, on dated 24.06.1988, terrorists have killed Nazar Singh (Real Masar) son of Bela Singh R/O Gaddar Yada of the petitioner. In

this regard FIR No.65 dated 24.06.1988 Under Section 302 IPC and 25/54/59 Arms Act was registered in P.S. Kathunangal District Amritsar Rural. True translated copy of fir no.122 dated 24.06.1988 is annexed herewith and being marked as ANNEXURE P-1.

iii. That the aforesaid atrocities and open day light murders of the family members of petitioner does not ends here, Mahinder Kaur (Massi/Aunt) of the petitioner as well as the petitioner were also attacked by the aforesaid terrorist organization. In this attack, Mahinder Kaur aunt (Massi) of petitioner was killed but with the grace of Almighty God, petitioner was saved. In this regard FIR No.65 dated 06.11.2019 was registered in P.S. Kathunangal, District Amritsar Rural. True translated copy of FIR No.65 dated 06.11.1991 is annexed herewith and being marked as ANNEXURE P-2.

iv. That leaving the place of occurrence, the group of terrorist placed a hand written threat letter on their letter pad bearing Khalistan Commando Force near the aforesaid dead body wherein threats of killing the present petitioner and his family members were given by the Khalistani Commando Force. That for the kind perusal of this Hon'ble Court the copy of the threat letter on letter pad of Khalistan Commando Force is annexed herewith as Annexure P-3."

It is also stated in the petition that since the year 2019, constant threats were also started issuing to the petitioner by the members of certain radical groups, and in this regard, on request of the petitioner to the authorities concerned, vide letter dated 05.11.2020, office of ADGP (Security) (respondent No.3), security was provided to the petitioner. It is further contended that during the course of Vidhan Sabha elections in the State of Punjab on dated 09.02.2022, said security was withdrawn in a vague manner without making any assessment of danger to the security of the petitioner and his family.

Before examining the correctness of the factual aspects mentioned in the petition, this Court would require to see response of the State of Punjab about the threat perception to the petitioner and his family members, and also view point of the

State of Punjab regarding the activities of the such groups.

Notice of motion for 05.12.2022.

On asking of the Court, Mr. AS Sandhu, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondents – State. Copy of the complete paper book has already been supplied to him by learned counsel for the petitioner.

Meanwhile, representation dated 09.02.2022(Annexure P-7), stated to be already pending with ADGP (Security) i.e. respondent No.3, would be examined in detail and if it is found that apprehension expressed by the petitioner is genuine, then, it would be ensured that life and liberty of the petitioner and his family members is secured. Seeing all the factual aspects averred in the petition and acknowledging the seriousness of matter, this Court is of the view that affidavit in this regard be filed by an officer not below the rank of IPS ”

In the response/reply filed by the State, relevant paragraphs No. 6 and 7 says as under:-

“6. That an objective assessment and appraisal of latest threat perception reports received from the concerned quarters i.e. State Intelligence Wing has revealed that at present there is no intelligence input indicating any specific threat to security of the petitioner from any terrorist/militant/gangster outfit operating in the country. The reports of the Commissioner of Police, Amritsar and others concerned quarters have been examined in the office of the respondent. It has been intimated that during the times of terrorism in the State of Punjab the petitioner's cousin brother was killed in the year 1988. In this regard an FIR No. 42, dated 11.04. 1988 u/s 302 IPC PS Kathu Nangal, Amritsar was registered. His Uncle and Aunt were also killed in the year 1988 and 1991 and subsequently FIR were registered in these matter the responsibility of these killings were taken by the Khalistan Commando Force. The petitioner in the year 2020 had filed complaints in the office of Sr. Supdt. of

Police, Amritsar Rural, the matter was enquired, no such threats were found to be given to the petitioner and his family members. The petitioner is neither currently threatened by any terrorist or radical group nor has he received any such threat via any social media or mobile phone calls. Therefore, in view of the above mentioned facts, it is not recommended to provide any security cover to the petitioner.

7. *That a representation dated 09.02.2022 (Annexure P-7) was received in this office i.e. Addl. Director General of Police, Security, CRWP-10726-2022 - 2 - Punjab. In this regard, a latest threat perception reports from the concerned quarters has been obtained and examined in this office as such, there is no intelligence input indicating any specific threat to the security of the petitioner from any terrorist/militant/gangster outfit operating in the country. ”*

Thus, in view of the stand taken by respondents-State, learned DAG, Punjab submits that there appears to be no threat perception to the petitioner and thus, petition is misconceived and entirely based upon the baseless apprehension.

To counter the submission of State counsel, Mr. Grewal, counsel for the petitioner relies upon the judgment dated 22.08.2022 passed by co-ordinate Bench of this Court (Hon'ble Mr. Justice Raj Mohan Singh) in CWP No. 11872 of 2022 titled as “**Om Prakash Soni v. State of Punjab and others**”. In fact with the said petition, total 45 petitions were decided by this Bench. Counsel for the petitioner submits that present petition can be disposed of in terms of the direction passed in the said judgment dated 22.08.2022. Relevant paragraphs No. 21 to 25 are highlighted by the petitioner and same are reproduced here-in below:

“[21]. *In order to ward off the continued apprehension of the protectees in view of bringing the issue of withdrawal of security under public domain, this Court is of the opinion that the competent authority should make fresh assessment in respect of security threats of protectees after considering the available inputs from different*

agencies including State and Central agencies. The competent authority should also consider the inputs to be provided by the individuals/protectees by giving them adequate notice. The impression which has been given by bringing the impugned action under public domain can only be cured by undertaking fresh security review in accordance with law and that too by appreciating and considering various inputs of the State and Central agencies as well as the inputs to be provided by the individuals/protectees at the time of such assessment.

[22]. *For the reasons recorded hereinabove, I am of the considered opinion that the security covers of the protectees/individuals in the aforesaid bunch of writ petitions be analyzed afresh in terms of their threat perceptions on the parameters as laid down in the preceding part of the order and the existing security cover provided to the petitioner(s) /individuals/protectees even under the orders of the Court shall remain in force till fresh assessment is made by the competent authority. Qua the petitioner(s), who have not been provided any protection, the respondent-State shall from an opinion on the basis of threat perceptions of the individuals and shall act in accordance with law. Till such time, one security personnel shall be provided to them as well. The arrangement made vide order dated 22.07.2022 passed in one of cases i.e. CWP No.11114 of 2021 shall also apply in those cases as well.*

[23]. *The provision for security covers under the orders of the Court till fresh assessment to be conducted by the competent authority shall not be construed to be an opinion on merits of individual cases. The interim arrangement shall remain in force specifically till fresh assessment is conducted as per State Security Policy without creating any equitable right of consideration in favour or against the protectees.*

[24]. *Let the needful be done by the competent authority at the*

earliest in an independent manner without being influenced by any fact statement recorded hereinabove.

[25]. *With the aforesaid directions, all these writ petitions are disposed of. A photocopy of this order be placed on the files of connected cases. ”*

This Court has considered the submissions addressed by both the sides and also noticed the fact that there is no denial by the State in regard to the murder of three family members in the past at the hands of extremists. Counsel also pointed out that State has filed a vague response, without associating the petitioner to hear him, although, ample material is with him, which can help out the State authorities to confirm the factum of threat perception to the petitioner.

In view of the submission addressed and recorded hereabove, and also the observations made by the co-ordinate Bench of this Court in ***Om Prakash Soni's Case (supra)***, I deem it appropriate to dispose of the present petition and direct the respondents to examine and decide representation dated 09.02.2022 (Annexure P7) addressed to ADGP (Security) i.e. respondent No. 3, after examining his apprehension genuinely in terms of the decision passed in ***Om Prakash Soni's Case (supra)***.

Thus, petition is disposed of in terms of the decision passed in CWP No. 11872 of 2022.

Needless to mention here that provisions of interim security, as already ordered by this Court in the judgment passed in ***Om Prakash Soni's Case (supra)***, would also be adhered in the case of petitioner.

(SANJAY VASHISTH)
JUDGE

13.03.2023

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