

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

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CWP-25640-2023

Date of decision: 13.12.2023

HARMAIL SINGH TOHRA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present: - Mr. M.L. Saggar, Sr. Advocate with
Ms. Armaan Saggar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer made in the present petition is for seeking issuance of directions to the respondents to provide adequate security to the petitioner and members of his family which is claimed to have been withdrawn.

2. It is evident that the petitioner is married to one Kuldeep Kaur daughter of late Gurcharan Singh Tohra, former President of the Shiromani Gurudwara Prabhandak Committee. The petitioner was elected as MLA in the General Elections held in the year 1997 and has been a Cabinet Minister. He was provided Z+ CRPF security and that his wife is a member of the Shiromani Gurudwara Prabhandak Committee. Reference has been made that late Gurcharan Singh Tohra had been elected as a member of the Shiromani Gurudwara Prabhandak Committee in 1959 and became President

of the said Committee in 1972 and remained as a member of Lok Sabha and Rajya Sabha. That on 14.05.1990, while travelling and passing through Ludhiana, militants had attacked his car near village Pahwa. It is contended that the petitioners are facing threat at the hands of anti social elements and that the law and order situation are not being under control, the apprehensions against the well being and safety are raising a concern.

3. Reply by way of affidavit of Sanjeev Singla, PPS, Deputy Superintendent of Police, City-1, Patial has been filed today in Court. A copy thereof has been handed over to the learned Counsel for the petitioner.

The relevant extract of the above said affidavit reads thus:

“3. That the brief facts of the case are that on the request of petitioner, vide letter No. 194401/CC dated 27-11-2023, the Senior Superintendent of Police, Patiala sought report from Incharge, Police Post Model Town, Patiala regarding providing security personal to him. During the inquiry, after joining the petitioner in the inquiry, his statement was recorded. Who has got recorded in his statement that he had been a Cabinet Minister in the Punjab Government and he had gunmen when he was a Minister and there have been gunmen even after being a minister. Now about 1-1/2 years ago his gunmen have withdrawn. His father-in-law Gurcharan Singh Tohra had been the President of Siromani Gurdwara Pandhak Committee, Amritsar, who has now passed away and his wife Kuldeep Kaur Tohra is now the member of Siromani Gurdwara Pandhak Committee. He and his family has to go out for religious and social work, for which he need security personnel. But the petitioner has not got recorded in his statement that he or his family has ever been received any threat from any terrorist or any other separatist organization nor has it been got recorded during inquiry that he is

demanding security personnel because he is ex-ministers. He or his family has never received any threat from any terrorist or any other separatist organization. Even then, the Incharge Police Post Model Town, Patiala has been directed by the S.S.P. Patiala to take special care and protect the petitioner through patrolling and PCR and the mobile phone numbers of Police Post Model Town Patiala, PCR and Police Station Civil Line Patiala have been provided to the petitioner. They will be provided adequate security if any threats or threats come to light. At present, it is not recommended to give any security personnel to the petitioner. So on the basis of report sent by the Incharge, Police Post Model Town, Patiala, providing of security personnel to the petitioner has been declined.

4. That it is further submitted that Government of Punjab Department of Home Affairs and Justice (Home-4 Branch), Chandigarh has issued Notification No. 5/74/13-5H4/4876 dated 02.09.2013 on the directions of Hon'ble Supreme Court dated 17.01.2013 in SLP No. 25237 of 2010 is pleased to formulate and publish security policy. Copy of the notification dated 02.09.2013 is attached herewith as Annexure R- 2....”

6. That in reply to Para o.6 of the petitioner, it is submitted that on the request of petitioner vide letter No. 194401/CC dated 27-11-2023, the Senior Superintendent of Police, Patiala sought report from Incharge, Police Post Model Town, Patiala regarding providing security personal to the petitioner. During the inquiry, after joining the petitioner in the inquiry, his statement was recorded. Who has got recorded in his statement that he had been a Cabinet Minister in the Punjab Government and he had gunmen when he was a Minister and there have been gunmen even after being a minister. Now about 1-1/2 years ago his gunmen have withdrawn. His

*father-in-law Gurcharan Singh Tohra had been the President of Siromani Gurdwara Pandhak Committee, Amritsar, who has now passed away and his wife Kuldeep Kaur Tohra is now the member of Siromani Gurdwara Pandhak Committee. He and his family has to go out for religious and social work, for which he need security personnel. But the petitioner has not got recorded in his statement that he or his family has ever been received any threat from any terrorist or any other separatist organization nor has it been got recorded during inquiry that he is demanding security personnel because he is ex- ministers. He or his family has never received any threat from any terrorist or any other separatist organization. Even then, the Incharge Police Post Model Town, Patiala has been directed by the S.S.P. Patiala to take special care and protect the petitioner through patrolling and PCR and the mobile phone numbers of Police Noost Model Town Patiala, PCR and Police Station Civil Line Patiala have been provided to Sardar Harmel Singh Tohra. They will be provided adequate security if any threats or threats come to light. At present, it is not recommended to give any security personnel to the petitioner. So on the basis of report sent by the Incharge, Police Post Model Town, Patiala, providing of security personnel to the petitioner has been declined. Copy of the inquiry report dated 01-12-2023 is attached herewith as **Annexure R-1.**”*

4. Referring to the above, learned State counsel contends that the aspect has already been examined and even the statement of the petitioner has been recorded. The request of the petitioner was considered and a report had been sought from the Incharge of the Police Post regarding providing Security Personnel. The petitioner was also joined in the proceedings

wherein he has averred that he has not received any threat from any terrorist or any other separatist organization nor he has raised any demand for providing security personnel as he was ex-minister.

5. Notwithstanding the same, the Incharge Police Post, Model Town has been directed by the Superintendent of Police, Patiala to take special care and protect the petitioner through patrolling and PCR and the mobile phone numbers of the Police Post, Model Town Patiala, PCR and Police Station Civil Lines have also been provided to the petitioner so as to take care of any emergent situation and threat extending to the petitioner. I find that the claim of the petitioner for being granted security has been considered by the respondents and having evaluated the same, they have made appropriate and adequate arrangements for the said purpose. No further directions are required to be called for in the present case. Petition is accordingly disposed of. The measures as suggested by the respondents in their reply shall be duly put in place.

(VINOD S. BHARDWAJ)

JUDGE

DECEMBER 13, 2023

Vishal Sharma

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