

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

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**CWP-26074-2023
Date of Decision: 15.12.2023**

GOKUL SETIA

..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.... Respondents

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

Present: Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner.

Mr. Vivek Saini, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

1. The instant petition has been instituted under Article 226 of the Constitution of India, 1950 for seeking issuance of a writ in the nature of Mandamus directing the respondents to provide adequate security to the petitioner and his family in light of the continuous threats and multiple attempts at the life of the petitioner by notorious gangsters.

2. Learned counsel for the petitioner contends that the petitioner is grandson of late Laxman Dass Arora, who was four times MLA and also remained Cabinet Minister in the State of Haryana. The petitioner graduated from DAV College, Sector-10, Chandigarh and started political journey from Sirsa constituency and also contested as an independent candidate in the last general elections. Being a prospective candidate in the forthcoming assembly

election scheduled in the year 2024, the petitioner has been canvassing and campaigning actively within the constituency area. He is, however, being threatened by the notorious Bambiha Gang on account of having been a class fellow with the Goldy Brar Gang and the photographs having been circulated in the social media. He submits that the said photograph are for the earlier student era and the proposed groups suggested by the social media account on the basis of artificial input. It is further argued that the State Special Operations Cell, S.A.S. Nagar, Mohali, while acting on a secret information, had carried out an operation and were able to apprehend two gangsters namely Kuldeep Singh Kingra of Sirsa and Harinder Singh of Kotakpura, Faridkot, leading to registration of FIR No. 10 dated 19.12.2022 under Sections 212, 216, 120-B of the IPC as well as under Section 25 of the Arms Act, 1959 at Police Station, SSOC, SAS Nagar, Mohali. The above said apprehended gangsters revealed during their interrogation that Bambiha Gang had been planning to target the petitioner and that they had also conducted a reece through their own conduits. The above said note was also shared by the Punjab Police with the State of Haryana as well. After the information was shared with the Punjab Police, the Government of Haryana has deployed three police personnel with the petitioner. It is further argued that the petitioner had also received a call on his WhatsApp number 9571000007 on 12.06.2023 from an unknown WhatsApp number i.e. +(437)2900052 that had not been answered by the petitioner. Another call from the same number was received again wherein the caller identified himself as "Lucky Patiyal" and claimed to be one of the leaders of the Gang called Bambiha Gang. The petitioner was threatened for extending support to the rival gangster namely Gold Brar by collecting money for them and financing their operations. An

extortion ransom call was made to the petitioner for his own safety. A clipping of the screen shot of the said phone call was also retained by the petitioner. Information was sent to the Superintendent of Police, Sirsa vide written complaint of the same date i.e. 12.06.2023 calling upon him to take appropriate action. An FIR No. 390 dated 12.06.2023 was registered under Section 384 and 506 IPC at Police Station, Sirsa on the above said complaint. The petitioner also submits that an unknown Swift Dzire Car was seen roaming around the residence of the petitioner without any registered number plates on 30.09.2023, which incident was also reported by the petitioner whereupon a DDR No.374-5C was registered. It is thus contended that the petitioner, being a top target of the notorious Bambiha Gang, apprehends threat to his family and that adequate arrangement for security needs to be made.

3. Pursuant to the notice issued by this Court, a short reply by way of affidavit of Vikrant Bhushan, IPS, Superintendent of Police, Sirsa has been filed in the Court today wherein it has been averred as under:-

“3. That during the course of investigation of the above mentioned FIR, a correspondence was made with whatsapp office for obtaining details of the above No. +1(437) 290-0052. A letter was received in this regard, in which the IP number used was shown from Digi Spain (Madrid). Further communications are made to Digi Spain internet service provider to obtain the identity of the person to whom the IP address was allotted. The Superintendent of Police Sirsa has given direction to concerned SHO to take special care to the resident of Gokul Setia and take immediate action in case of any suspicious activity. Furthermore a

*Special Investigation Team (SIT) was constituted vide order No. 46902-07 dated 29.11.2023 headed by DSP Jagat Singh, Incharge CIA, SHO City Sirsa and Incharge Cyber cell, Sirsa. Copy of the order dated 29.11.2023 is annexed as **Annexure R-1**.*

4. That it is pertinent to mention here that a representation / application No. 575-PC dated 10.02.2023 was received in the office of Superintendent of Police, Sirsa for providing security to petitioner. A threat related input was sent to the office of Director General of Police, Haryana by the Special Director General of Police, Internal Security Punjab vide Memo No. 2924/DVS dated 15.02.2023 and thereafter vide memo No. 3316-SB dated 16.02.2023 three police officials/gunmen were deputed for full time security of Sh. Gokul Setia, the present petitioner.

5. That during the process of application for obtaining the arms license by the petitioner, the police verification report was issued in favour of the petitioner and subsequently arms licence has been approved by Deputy Commissioner, Sirsa on 11.12.2023 and the same shall be issued to the petitioner after he fulfils all the requisite requirements in accordance with law.

6. That the application of the petitioner dated 31.10.2023 Annexure P-7 was received in the office of the deponent and the same was marked to Sh. Jagat Singh, HPS, Deputy Superintendent of Police, (HQ), Sirsa who had submitted his report vide memo No. 415 dated 08.11.2023 after conducting an inquiry in this regard. As per the inquiry report FIR No. 390 dated 12.06.2023 has already been registered and is being investigated and further that

*the petitioner has already been provided three police officials/gunmen for round the clock security, therefore, at present there is no necessity of providing any additional Gunmen. Copy of the report dated 08.11.2023 is annexed as **Annexure R-2**.*

*7. That Sh. Jagat Singh, HPS, Deputy Superintendent of Police, (HQ), Sirsa had also directed the SHO, Police Station City Sirsa to personally keep a strict vigil and patrolling around the house of the petitioner and in case of any information regarding the security of Sh. Gokul Setia come to notice, the same be brought to the knowledge of DSP, after taking necessary action in accordance with law. Copy of the same is annexed as **Annexure R-3**.*

8. That a complaint was received regarding a car without number plate roaming around the residence of Gokul Setia, the same was recorded as DDE No. 12 dated 30.09.2023 and immediate action was taken on the same and the concerned officer reached there and on inquiry, no matter of cognizable offence was found. However, a challan under Section 69 of Motor Vehicle Act, was issued to the occupants of the alleged car.

9. That vide memo No. 183-84/MC dated 28.02.2023 Sub Divisional Magistrate (Civil), Sirsa had sought report on the application for granting permission for sanctioning Bullet Proof to the newly purchased vehicle by the petitioner and vide memo No. 7157/SB dated 15.03.2023 the then Superintendent of Police, Sirsa issued no objection for the same if done in accordance to the terms and

*conditions of the Transport Department, Haryana. Copy of the same is annexed as **Annexure R- 4**.*

10. That That it is pertinent to mention here that except for the alleged threatening whatsapp call and a report of an unknown car without registration number plate roaming around the residence of the petitioner, no other threat or incidents related to the security of the petitioner has ever been reported by the petitioner to any authority.

4. It is evident that the police has already sprung in action and three armed gunmen had been provided for fulltime security of the petitioner herein. Additionally, the petitioner has also been granted permission to carry out of bullet proofing of his vehicle subject to the norms as approved by the Department of Transport and the Armed License of the petitioner has also been approved by the Deputy Commissioner. It is contended by the State Counsel that the concerned SHO of the area has also been additionally directed to keep a strict vigil and patrolling around the house of the petitioner and in the event of any information being received as regards the security breach/apprehensions of the petitioner, the same has to be informed immediately to the Deputy Superintendent of Police for appropriate action in accordance with law. It is further stated that insofar as the vehicle Swift Dzire, roaming around without a registration number is concerned, the same was identified and a motor vehicle challan was issued to the occupants of the car. Nothing suspicious was, however, reported on such enquiry as well. It is contended that the State is taking all suitable action to maintain the security of the petitioner.

5. At this stage, counsel for the petitioner contends that the respondents police has already given permission for the bullet proofing of his vehicle, however, the Department of Transport is yet to grant approval and that the said Department may also be directed to consider the request in a time bound manner.

6. Learned State counsel has no objection to the same and assures that in the event of such a request being received, the requisite approvals shall be granted within a period of four weeks in accordance with law subject to fulfilling the requisite conditions.

7. In view of the aforesaid, no further directions are required to be issued at this stage as the measures taken by the respondent-State appear to be sufficient to counter the threat apprehension expressed by the petitioner.

Petition stands disposed of accordingly.

DECEMBER 15, 2023
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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