



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-2066-2024

Date of decision: 25.11.2024

BIKRAMJIT SINGH BAJWA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present: - Mr. Manthan Pathania, Advocate
with the petitioner (in Person).

Ms. Akshita Chauhan, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the order dated 26.08.2023 passed by Senior Superintendent of Police, SAS Nagar, Mohali whereby security provided to the petitioner was withdrawn.

2. The petitioner, a practising Advocate, appears in person in the present writ petition claiming that he has been lending his voice against the hard liner radical elements by vocally criticizing them. So much so, he even filed public interest litigation against the radical organization “Sikhs for Justice” before this Court seeking a prayer that an investigation against the same be conducted. It is contended that as a result of his challenge to the ideology of the hard liner and radical organizations, he is being threatened

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by the said elements. The organization sought a referendum seeking a separate state and is engaged in a large number of anti-national activities. Hence, a ban was sought to be imposed on this organization in the Public Interest Litigation filed by the petitioner. Various sites run by the organization were immediately banned and criminal cases were registered against the organization. They thus resorted to airing the news alongwith video of the petitioner to bring him on the target of their followers. The petitioner thus apprised the Court about his apprehensions about threat to his life. An order was passed to protect the life of petitioner and to also file a threat perception report.

3. Despite the evidence given by the petitioner, no steps were taken, hence CRWP-7376-2020 was filed in which State was directed to provide security. A security personnel was thereafter provided to the petitioner to protect his life and liberty and to his family members. The said person belongs to the Commando Battalion who used to be called back to his unit on special duties and during that period there was a lapse in deputing a replacement. Aggrieved against the said acts, the petitioner approached this Court by filing CRWP-5175 of 2023 praying that a stout security person may be deputed for protection of life and liberty of the petitioner and members of his family. Representations were also submitted by the petitioner to the Senior Superintendent of Police as well as the ADGP (Security) on 31.05.2023 as well as on 16.08.2023 which were stated to have not been decided by the respondents despite lapse of substantial period. He, however, contends that the respondents have instead directed withdrawal of

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the security personnel that had already been deployed for his protection. Thus compelling the petitioner to approach this Court.

4. A status report by way of an affidavit of Karan Singh Sandhu, PPS, Deputy Superintendent of Police, Sub –Division Kharar-1, District SAS Nagar has been filed on behalf of the respondents wherein it has been stated in the preliminary submissions that the impugned order dated 26.08.2023 was passed by the respondents after considering the representation and the evidence furnished by the petitioner alongwith all inputs. It was not disputed that the petitioner had earlier approached this Court vide CRWP-7376 of 2020 and that the said writ petition was disposed of with a direction to provide an appropriate protection to the petitioner for one week and thereafter the concerned officials were to extend the protection one day-to-day analysis of the ground realities. The said order dated 26.04.2022 passed by this Court in the above writ petition was complied with and a Gunman was deployed with the petitioner. The threat perception to the petitioner was reviewed from time to time and the statement got recorded wherein the petitioner stated that he is satisfied with the action taken by the respondents and does not want any further action to be taken on the writ petition. The petitioner is admitted to have approached the High Court again in CRWP-5175 of 2023 seeking protection of life and liberty which came up for final hearing on 29.05.2023 and order was passed allowing the petitioner to withdraw the writ petition so as to make a representation to the concerned officers for protection of life and liberty of the petitioner. The writ petition was disposed of with a direction that in case

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the petitioner files a fresh representation within a period of two weeks from the date of order, the concerned Superintendent of Police/Commissioner of Police shall decide the same within a period of two months from the date of filing of the representation by passing a reasoned order to be also communicated to the petitioner. Liberty was also granted to the petitioner to file a fresh petition in case he is not satisfied with the final outcome of the representation.

5. On passing of the said order, a fresh assessment of threat perception was carried out and a detailed speaking order dated 27.07.2023 was passed by the Senior Superintendent of Police. An investigation was conducted and threat perception was reviewed by Deputy Superintendent of Police, Kharar-1 and as per the report, the petitioner could not submit any record or evidence about receiving threats or having received any threatening message or telephone call from any terrorist group or organization. It was thus recommended that there was no need to provide security permanently to him. The mobile number of the petitioner has however been given to the MHC, City Kharar; PCR City Kharar; as well as SHO City Kharar with an instruction that in case the petitioner receives any threatening call in future, he shall inform on the given numbers. The SHO, Police Station, City Kharar and PCR party had also been instructed to ensure the safety of the complainant and to conduct regular patrolling near his house.

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6. Since the report had been submitted by the Enquiry Officer that there is no need for providing continued security personnel, the application was consigned to record.

7. The petitioner thereafter approached this Court yet again for seeking protection to his life and liberty alongwith that of his family members while citing the same threat vide CRWP-7779 of 2023 which was disposed of as not pressed vide order dated 11.08.2023 permitting the petitioner to submit fresh material with the respondent authorities. It was also observed that in the event of the petitioner filing a representation within a period of two weeks, the same may also be considered and decided by the Senior Superintendent of Police and the liberty was granted to the petitioner to avail the remedies, if advised, against such order.

8. A fresh threat review was accordingly carried out by the respondent-authorities in terms of the directions issued by the office of the Additional Director General of Police, Punjab to inquire into the allegations of threat contained in the representation and to submit a report. The petitioner was stated to have been called to join investigation but he did not join. He later sent an unsigned statement through a WhatsApp message by saying that a Gunman be provided for the security. Despite number of phone calls made by the Investigating Officer with a request to join investigation, only a text message was sent by the petitioner saying that his representation may be treated as his statement. The same was hence enquired into and nothing came on record to establish any threat given to the petitioner by any terrorist group or organization through phone call or otherwise. No evidence

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or proof was produced by the petitioner qua the threat perception or call received by him from any terrorist group or organization. Nonetheless, a preventive direction was issued to the SHO, Police Station, City Kharar, District SAS Nagar to conduct a regular patrolling in the residential area of the petitioner and to ensure that the said area remains secure. A copy of the said order dated 26.08.2023 is impugned and has been appended as Annexure P-17 with the petition.

9. It is also stated that the petitioner approached this Court again vide CRWP-8656-2023 for seeking directions to protect the life and liberty of the petitioner and to depute police personnel. The said writ petition was also permitted to be withdrawn vide order dated 15.12.2023 so as to enable the petitioner to challenge the order dated 26.08.2023 passed upon his representations. Now the present writ petition has been filed by the petitioner challenging the order dated 26.08.2023 without placing any fresh material or evidence on record. It has also been stated that regular patrolling of the area is being conducted and that immediate action would be taken in case a cogent evidence or material about any threat to life and liberty of the petitioner or members of his family is noticed.

10. Replication was filed by the petitioner to the averments contained in the written statement, claiming that he has not received any telephone calls or messages from the Investigation Officer and only a text message was received which was duly responded to by the petitioner. A screenshot of the WhatsApp, forwarding his complaint has also been attached by him alongwith the copy of the statement sent by him. He

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contends that the same has not been considered by the respondents. It is also contended by him that the respondents are deliberately not considering the representation submitted by the petitioner and the material produced by him and are disclaiming the imminent threats posed to him.

11. I have heard learned Counsel appearing on behalf of the petitioner and have gone through the documents appended alongwith the present writ petition and also the arguments advanced by the respective parties.

12. It is evident from perusal of the same that the authorities have enquired into the threat perception as expressed by the petitioner, on more than one occasion and they did not find any substantive threat being extended to the petitioner. The representation had been filed after receipt of the threat perception reports and that patrolling of the area has also been increased to ensure protection. The statement Annexure P-23 stated to have been forwarded vide WhatsApp message in Annexure P-24 has also been perused by this Court. A perusal of the same also shows that the petitioner has nowhere mentioned of any threat being extended to him by any person or organization or any material sent to him. It is in substance only a detailed chronology of different litigation instituted by him.

13. Under the given circumstances, I do not find that the petitioner has been able to put forth any cogent cause, evidence or circumstances as would reflect that there is a real threat to the life and liberty of the petitioner. An apprehension based on perception is not a strong enough reason to direct personal security at public expense.



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14. The present writ petition is accordingly dismissed at this stage. Liberty is, however, granted to the petitioner to approach the respondents, in the event of any real threat being extended to him alongwith cogent evidence. Needless to mention that in the event of the petitioner approaching the office of the Senior Superintendent of Police, S.AS. Nagar, Mohali alongwith any such evidence/material, the same shall be taken into consideration and an appropriate decision shall be taken thereupon.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 25, 2024
Vishal Sharma

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