



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

111

CWP-3356-2024

Date of Decision: 15.05.2024

NIRMAL SINGH DHILLON

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondents

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

Present: Mr. Aman Arora, Advocate for
Mr. Ripudaman Singh Brar, Advocate
for the petitioner.

Ms. Harpriya Khaneka, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for setting aside the order dated 25.01.2024 whereby the respondent No.3 has partially withdrawn the security provided to the petitioner.

Learned counsel for the petitioner contends that the petitioner was an IPS Officer and has retired as Inspector General Police, Jalandhar Zone. He remained posted in the border areas during the period when terrorism was at its peak and many extremists were arrested under his command. It is further stated that having posted in sensitive areas and at sensitive posts, the petitioner had always been active in restoring peace and normalcy in the State of Punjab. Further, he was also given charge of Chairman, Mining in Punjab and that he took a fight against the mining mafia and also assisted Punjab and Haryana High in litigations against such organized crime. It was on account of the sensitive postings and the battle waged by the petitioner previously against terrorism and thereafter against the mining mafia that a security review of the



petitioner was undertaken and he was provided with four security personnel for his security.

It is averred that the respondent-State gradually withdrew two PSOs in a phased manner and the petitioner was left with two security officers only. Thereafter, he raised his concern with the respondent-Punjab Police vide communication dated 07.06.2022. As no action was taken, another reminder was sent by him on 07.01.2024. Following the said reminder, the order of withdrawal was cancelled and petitioner was allowed minimal security. He contends that despite the intelligence report regarding threat perception and several representations submitted by the petitioner to the Director General of Police, Punjab, again an order for withdrawing personnel from the security of the petitioner was passed and the petitioner has now been left with only one security personnel, which put the life of the petitioner as well as his family at peril making them soft targets for terror outfits, gangsters as well as organized criminals. Certain attributes have also been made by the petitioner against respondent No.4, who is stated to be posted as ADGP, Internal Security, Punjab for giving a wrong input.

The State was directed to file a status report as regards the allegations levelled by the petitioner, averments made in the petition and arguments advanced by the counsel for the petitioner, whereupon a status report by way of an affidavit of Ajay Kumar, PPS, Deputy Superintendent of Police, Security, Punjab, Chandigarh was filed. The relevant extract of the same is reproduced hereinafter below:

"4. That the petitioner is retired from Indian Police Service in the rank of Inspector General of Police in the year 2014 (ten years ago). As such, security cover to the petitioner can only be provided



on the basis of assessment of threat perception, as per the above mentioned guidelines of the State Security Policy-2013. One police personnel was withdrawn from the petitioner on temporary basis due to emergent law & order duty in connection with 26th Republic Day-24 and upcoming Parliament Election-2024.

5. That at present, the petitioner is provided with adequate security cover of 01 PSO, to be continued with the petitioner as per threat perception, on purely temporary basis, which will be subject to periodic review as per State Security Policy-2013."

From a perusal of the above, it is evident that the police personnel were withdrawn to meet the exigencies on account of the emergent law and order duty due to the forthcoming parliamentary elections and one PSO continues to be with the petitioner. The said arrangement has been made purely on temporary basis, which will subject to the periodical review as per the State Security Policy-2013.

Since the withdrawal of security is on a temporary basis due to emergent law and order duty, hence, the petitioner does not have a cause of action currently to impugn the said order. In any case, the respondents are at liberty to carry out a periodical review in terms of the guidelines issued by the Minister of Home Affairs and to take appropriate and adequate decision in accordance thereto. No further directions are required to be issued in the present case at this juncture.

The present petition is accordingly disposed of at this stage.

MAY 15, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No