



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

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CWP-4577-2024 (O&M)

Date of decision: 21.10.2024

Mrs. Usha Mahajan

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CRWP-4223-2024 (O&M)

Vaneet Mahajan

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. P.S. Hundal, Advocate and
Mr. G.S. Hundal, Advocate
for the petitioner in CWP-4577-2024.

Mr. Sandeep Gors, Advocate
for the petitioner in CRWP-4223-2024.

Mr. Saurav Verma, Addl. AG Punjab in CWP-4577-2024.

Mr. Deepender Singh, Addl. AG Punjab in CRWP-4223-2024.

Mr. M.S. Batth, Advocate
for respondent No.5 in CRWP-4223-2024.

VINOD S. BHARDWAJ, J. (Oral)

1. Both these writ petitions are being decided by a common order as the parties who are mother and son respectively happen to be involved in conflicting claims. Facts are however being extracted from **CWP-4577-2024** titled as '**Mrs. Usha Mahajan Vs. State of Punjab and others**'.

2. Petitioner-Usha Mahajan, mother of respondent No.5-Vaneet Mahajan (respondent No.5 in CWP-4577-2024 and petitioner in CRWP-



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4223-2024) has approached this Court praying that the security given to respondent No.5 be immediately withdrawn as the same is being misused by respondent No.5 to threaten the petitioner and her another son from withdrawing the litigation instituted by them.

3. Respondent No.5-Vaneet Mahajan is stated to have initiated proceedings against an ex-Cabinet Minister in a scam of double votes and thereafter filed a criminal complaint dated 13.10.2012 under Sections 452, 427, 292, 506, 120-B, 148 and 149 of IPC in the Court of Chief Judicial Magistrate, Amritsar alleging that the latter hatched a criminal conspiracy with co-accused and trespassed in the hotel Ashirwaad International, being run by him, and caused damage to his property. It was also alleged that he was abused by the said Minister. The said complaint was however dismissed by the Illaqa Magistrate vide his order dated 24.05.2013.

4. Another criminal complaint was also filed by him against the said Minister under Sections 499, 500 and 501 IPC on 02.02.2013 in the Court of Chief Judicial Magistrate, Amritsar alleging that defamatory statements had been issued by the said Minister, which were published in Dainik Bhaskar dated 31.01.2013, to malign his reputation in the eyes of general public, Advocates as well as his clients. The said complaint was also dismissed by the Illaqa Magistrate vide order dated 22.11.2022 and the said Minister was acquitted of the charges framed against him. No appeal was filed against the judgment of acquittal.

5. During pendency of the above said two criminal complaints filed by respondent No.5-Vaneet Mahajan against former Cabinet Minister,



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he also got registered FIR (FIR number not known) dated 17.03.2014 under Section 307 of IPC read with Section 25/54/59 of the Arms Act at Police Station Ram Bagh, Amritsar alleging therein that certain unidentified persons had fired shots at him with an intention to kill. The said FIR was investigated by the Police and an untraced report was filed by the Police before the Illaqa Magistrate and no effort was made by the respondent No.5 to contest the said untraced report.

6. Another FIR No.138 dated 10.05.2014 was also registered under Sections 307, 326, 324, 323, 427, 148, 149, 120-B and 341 IPC at Police Station Civil Lines, Amritsar by respondent No.5-Vaneet Mahajan alleging that he as well as his younger brother were attacked in the broad daylight by the then sitting Councillor alongwith 10-12 other unknown persons with *kirpans* at the behest of the said ex-Cabinet Minister. On conclusion of investigation, the Minister was declared innocent by the Police and no charge-sheet was filed against him. An application under Section 319 Cr. P.C. was thereafter moved by respondent No.5 for summoning of the said Minister as an additional accused but the same was also dismissed by the trial Court vide order dated 01.12.2017. The said order was also challenged before this Court in CRR-485-2018, which was also dismissed by this Court vide order dated 26.07.2023.

7. One CWP-20660-2014 was also filed by respondent No.5-Vaneet Mahajan seeking directions to the Election Commission of India to not allow the said Minister to sit in Punjab Vidhan Sabha as an elected member of the Legislative Assembly and to treat the seat of Amritsar North



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Constituency as vacant since he was not a voter in any electoral list in Punjab. The said writ petition was dismissed by this Court with a cost of Rs.50,000/- vide order dated 04.05.2015, after noticing that the same was a gross abuse of the process of law.

8. That two other FIRs were got registered by respondent No.5 against certain unknown persons alleging murderous attacks on himself in order to hog limelight.

9. It is alleged by the petitioner herein (who is mother of respondent No.5-Vaneet Mahajan, that under the garb of institution of multiple complaints, respondent No.5 drew support from the District Bar Association, Amritsar as well as Bar Association of this Court who filed CWP-9156-2014 before the High Court as a Public Interest Litigation to provide security to save the life and liberty of respondent No.5 and his friend Sandeep Gorsl.

10. A reply was filed by the then Inspector General of Police, Counter Intelligence, Punjab Police, in compliance of the order dated 11.07.2014 in CWP-9156-2014, as per which the security was granted to respondent No.5. Three PSOs were provided to respondent No.5-Vaneet Mahajan and later on the security personnel were raised to 5 and two security personnel were provided for protection of family members as well.

11. On the assignment of security personnel, respondent No.5 stated maltreating members of his family. So much so, wife of respondent No. 5 filed a complaint to the Addl. Director General of Police (Security), Punjab as well to the Director General of Police, Punjab to withdraw the



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security cover provided to respondent No.5. As a result, the security cover provided to respondent No.5 was reduced from 07 to 03. Against the said withdrawal, respondent No.5 filed CWP-11105-2017. Vide order dated 22.05.2017, the said petition was disposed of, directing the Additional Director General of Police (Security), Punjab to consider the facts and to re-examine the threat perception of respondent No.5 and his family members and to pass a specific reasoned order within a period of 15 days, after the receipt of the certified copy of the said order. The security personnel provided to respondent No.5 and his family members were thus enhanced from 03 to 05.

12. Respondent No.5 had taken all the security personnel with him notwithstanding that as per the earlier complaints and writ petition, his brother Avnish Mahajan had been attacked by the then Councillor and FIR No.138 dated 10.05.2014 was registered under Sections 307, 326, 324, 323, 427, 148, 149, 120-B and 341 IPC at Police Station Civil Lines, Amritsar qua the said incident and the security was to be provided to all persons in the family.

13. It is contended that with the passage of time, the principal accused i.e. the then Councilor passed away and the aforesaid ex-Cabinet Minister had also lost the Assembly Elections consecutively. The petitioner accordingly moved an application/representation to the State for reviewing the security cover provided to respondent No.5-Vaneet Mahajan detailing the unfortunate incidents that had happened between the petitioner and her other sons on one side and respondent No.5 on the other side. It was alleged



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that respondent No.5 started misusing the security cover provided to him against the petitioner as well as other members of the family. It was also alleged that since Avnish Mahajan i.e. the other son of the petitioner was helping her in contesting the civil cases against respondent No.5, he illegally stopped the vehicle of Avnish Mahajan and was joined in doing so by his son Krishav and his two gunmen namely Sarabjit and Maninder who pulled Avnish Mahajan (younger son of the petitioner) out of his car and respondent No.5 along with his gunmen caused injuries to Avnish Mahajan. FIR No.0013 dated 21.02.2024 was registered with respect to the said incident for offences under Sections 323, 325, 341, 427, and 506 IPC at Police Station Majitha, District Amritsar.

14. The petitioner has thus approached this Court for seeking directions to the respondents to withdraw the security cover as respondent No.5 has been grossly abusing the security cover to the detriment and prejudice of the petitioner, who is the mother of respondent No.5, and the other members of the family who are in litigation against the said respondent.

15. A short reply by way of affidavit dated 15.07.2024 of Sh. Vijay Kumar, Assistant Commissioner of Police, North, Amritsar had been filed on behalf of respondents No.1 to 4. A relevant extract of the same reads thus:-

“6. That threat perception of Vaneet Mahajan and his brother Avnish Mahajan was carried out. Keeping in view the averments made in the petition and in pursuance to the letter



no. 63772/DDSB-(CC) dated 24.11.2023 received from Additional Director General of Police, Security, Punjab, Chandigarh.

7. That the enquiry conducted to assess the threat perceived in respect of the respondent Vaneet Mahajan and his brother Avnish Mahajan has revealed that Vaneet Mahajan and Avnish Mahajan are now having property dispute with each other. Consequently, a case FIR No. 13 dated 21.02.2024, under Sections 325, 323, 341, 427, 506 IPC, Police Station Majitha Road, Amritsar was registered against respondent no. 5 Vaneet Mahajan on the statement of his brother Avnish Mahajan, wherein Vaneet Mahajan was arrested on 22.02.2024. This case is under investigation. It has also been established that both the brothers i.e. Vaneet Mahajan and Avnish Mahajan were using their gunmen for making their influence in the society. They have not received any fresh threat and they do not require the security. As such, vide report no. 99852/S dated 20.04.2024, the Commissioner of Police, Amritsar had recommended to withdraw the security provided of respondent no. 5 Vaneet Mahajan and his brother Avnish Mahajan. The report is annexed herewith as Annexure R-1/T for the kind perusal of this Hon'ble Court.



8. *That on carefully analysis of aforementioned report dated 20.04.2024 (Annexure R-1/T) submitted by the Commissioner of Police, Amritsar and keeping in view the other factors relating to security, the Additional Director General of Police (Security), Punjab, vide communication No. 364-57/ LIT-4, dated 30.04.2024, ordered to continue one PSO deployed from Commissioner of Police, Amritsar with Vaneet Mahajan, on temporary basis, subject to review, as per State Security Policy and to withdraw 04 PSOs deployed from State Armed Police with immediate effect. Therefore, 04 PSOs deployed from State Armed Police with Vaneet Mahajan have been withdrawn. Currently one PSO each is deployed with Vaneet Mahajan and his brother Avnish Mahajan. The letter is annexed herewith as Annexure R-2 for the kind perusal of this Hon'ble Court.*

9. *That it is pertinent to further submitted that thereafter the respondent No. 5 Vaneet Mahajan has been arrested in case FIR No. 52 dated 28.05.2024, under Sections 307, 341, 34 IPC (added Sections 115/177/182/195/120BIPC vide GD No. 26 dated 04.06.2024) registered at Police Station Majitha Road, Amritsar on 08.06.2024 and now he is in judicial custody at Central Jail, Goindwal Sahib, District Tarn Taran. Hence, the remaining one PSO deployed with the respondent No. 5-Vaneet Mahajan has also been withdrawn and*



currently no PSO is deployed with the respondent No. 5-Vaneet Mahajan.

10. That it is respectfully submitted that keeping in view of the facts and circumstances mentioned above, it is evident that the security provided to Vaneet Mahajan was reviewed in view of averments made in petition and as per the provision under State Security Policy-2013. He was provided 01 PSO on purely temporary basis as a precautionary measure, and subject to review, as per State Security Policy, which has also been withdrawn subsequent to his arrest on 08.06.2024 in the aforesaid case FIR No. 52 dated 28.05.2024, under Sections 307, 341,34 IPC (added Sections 115/177/182/195/120BIPC vide GD No. 26 dated 04.06.2024) registered at Police Station Majitha Road, Amritsar. No further action is required to be taken in this regard.”

16. It is contended that the threat perception and apprehension of respondent No.5 had been reviewed and it was found that there is no threat to the said respondent and it is also established that respondent No.5 as well as his brother-Avnish Mahajan have been using their gunmen for stroking their ego and to exert an overblown influence over the society and that there is no necessity of providing any security cover to them. Moreover, their repeated indulgence in criminal offences also disentitles them for the same. It is also noticed that respondent No.5 already stood arrested on 08.06.2024 in FIR No.52 dated 28.05.2024 registered under Sections 307, 341 and 34



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IPC (added Sections 115/117/182/195/120B IPC vide GD No. 26 dated 04.06.2024) at Police Station Majitha Road, District Amritsar.

17. Respondent No.5-Vaneet Mahajan has filed the connected CRWP-4223-2024 before this Court for seeking directions to the respondents to provide adequate security to protect his life and liberty and that of his family members by setting aside the letter of withdrawal dated 03.05.2024 issued by the respondents and to restore the security and protection already provided to him and his family members. The averments contained therein the reply filed by the respondents in CWP-9156-2014, the factual aspects already stand noticed as extracted above.

18. Counsel for respondent No.5 has vehemently argued that he is a practicing Advocate and has been raising issues of vital interest for the society and highlighting the mis-conduct of people in the seat of power. Due to above acts of respondent No.5-Vaneet Mahajan, he has been attacked on numerous occasions and there has been a constant threat to the life and liberties of respondent No.5-Vaneet Mahajan and members of his family. He has re-iterated the multiple FIR's and the cases that have been registered at his instance and the attack resulting in injuries being sustained by him and his family members.

19. Despite the apprehension being real, the security cover has been withdrawn by implicating the petitioner in multiple FIR's.

20. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record with their able assistance.



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21. It is evident that the conduct of respondent No.5 has been detailed out in the affidavit that has been filed by the respondent-State. Respondent No.5 has nowhere disputed that the factual aspects narrated in the reply or even in the writ petition by the petitioner i.e. his mother. The continued and heightened involvement of respondent No.5 in criminal offences including heinous offence under Section 307 IPC clearly shows that he is exerting influence and stroking his ego by flexing his muscles under the security cover. The security personnel deployed with him are being used to over-awe the people and intimidate the family members in all stride and draw advantage in the ongoing disputes.

22. It has also been noticed by this Court that a CRM-W-714-2024 had been filed by respondent No.5 in CRWP-4223-2024 alleging that shots had been fired on his vehicle and that an empty cartridge had also been recovered. Learned State counsel, on instructions from ASI Paramjit Singh, No. 1326/ASR City has informed that the said allegations have been found to be false. It is also contended that respondent No.5 is manipulating the alleged bid on his life, by getting a shot fired on his vehicle only to claim continuation of a security cover.

23. The extension of a personal security cover at State expenses is not a matter of entitlement and it is a matter of assessment to be undertaken by the respondent-State. It is only when a person apprehends severe threat to his life and liberty that respondent-State may be directed to make appropriate arrangements to protect life and liberty of such an individual. However, where such an individual starts taking recourse to misuse of the



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security cover so granted and repeatedly indulges himself in an unbecoming conduct and uses the security deployment as a means of inflicting injuries on others in brazen show of strength, he disentitles himself for continuation of such security cover. Further, the conduct of respondent No.5-Vaneet Mahajan about steering and manipulating an alleged firing on his vehicle only for the continuation of a security cover deserves to be deprecated.

24. Since, the security cover granted to respondent No.5-Vaneet Mahajan has already been withdrawn consequent upon his arrest in a criminal case registered against him, the petition i.e. CWP-4577-2024 filed by Usha Mahajan-mother of respondent No.5-Vaneet Mahajan has thus been rendered infructuous and is disposed of as such.

25. Additionally, as fraudulent means have been adopted by Vaneet Mahajan to seek extension of security by staging an attack on himself and then filing an affidavit before this Court, by portraying and exerting facts that were known to him to be incorrect, this Court dismisses **CRWP-4223-2024** filed by him, as the petitioner therein, with a cost of Rs.50,000/- to be deposited with the Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research, Chandigarh.

26. All pending civil misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

21.10.2024

Mangal Singh

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