2024:PHHC:061327

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

CRWP-1938-2024
Date of Decision : 03-05-2024

Brahmprakash

.....Petitioner

Versus

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

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PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Article 226/227 of the Constitution of India for issuance of appropriate order directing respondent Nos.2 and 3 to protect the life and liberty of the petitioner and his family by providing adequate security/police protection.

2. It is claimed that the brother of the petitioner namely Sandeep Gadauli was killed on 07.02.2016 in a fake encounter in Mumbai by Haryana Police on the directions and the trial with respect to the same is pending before the Mumbai Court. Petitioner fears and apprehends threat to his life and the life of his family members.

3. It is claimed that he is regularly attending the trial at Mumbai. Apex Court vide order dated 01.09.2023, directed the trial

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Court to conclude the trial within 6 months. Petitioner was earlier provided with a security guard which now stands withdrawn without there being any change in the circumstance as the trial is still pending.

4. Reply by way of affidavit of Shiva Archan, HPS, Assistant Commissioner of Police, West, Gurugram on behalf of respondent Nos.1 to 3 has been filed. As per the same, it is claimed that as per the standard procedure, threat assessment of the person seeking protection is conducted by District Level Committee headed by District Magistrate, Gurugram. The threat perception as claimed by the petitioner was re-assessed.

5. Finding no such threat, the security was withdrawn.

6. Learned State counsel on instructions from SHO Sandeep Kumar submits that in case the petitioner still apprehends threat, he could be provided security but at his own expense.

7. Counsel for the petitioner has agreed to the said offer.

8. In view thereof, present petition is disposed off with a direction to respondent No.2 to consider the request of the petitioner for providing security-guard at the expense of the petitioner during the time the trial is pending before Courts at Mumbai.

9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

03-05-2024
spn

Whether speaking/reasoned : Yes
Whether reportable : No

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