

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRWP-2001-2024 (O&M)  
Date of Decision: 24.04.2024

Jarnail Singh .....*Petitioner*  
  
Versus  
  
State of Punjab & others .....*Respondents*

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Onkar Singh Batalvi, Advocate, for the petitioner.  
  
Mr. Vinay Kumar Malhotra, DAG, Punjab, and  
Mr. Gauravdeep Singh Dhaliwal, AAG, Punjab,  
assisted by Inspector Yadwinder Singh.

**GURVINDER SINGH GILL, J.**

1. Petitioner – Jarnail Singh seeks issuance of directions to the respondents for protecting his life and liberty and of other members of his family by restoring the security, as had been provided earlier by the Punjab Police.
2. It is the case of the petitioner that he had served Punjab Police for more than 25 years and had actively rendered duties during the days of terrorism in Punjab without caring for his life and was instrumental in getting the several dreaded terrorists eliminated or arrested and his role was appreciated repeatedly by the Police Department.
3. It is further the case of the petitioner that when he was posted as SHO at Police Station Ghuman, District Batala in the year 2016, a dreaded gangster,

namely, Baljinder Singh @ Billa was arrested after a fierce encounter, which lasted for more than 4 hours and in respect of which FIR No.32 dated 21.04.2016 at Police Station Ghuman, Batala, under Sections 307, 353, 186, 34 IPC; Section 25 of the Arms Act and Sections 21 & 22 of the NDPS Act was also lodged.

4. It is further the case of the petitioner that aforesaid Baljinder Singh @ Billa stands involved in as many as 17 other cases and is a seasoned criminal and that despite his arrest on 21.04.2016, he escaped from the police custody after 3-4 months and has been openly proclaiming that whenever he will get an opportunity, he will eliminate the petitioner.
5. It is further the case of the petitioner that before his retirement in the year 2017, the State authorities after considering threat perception to the life and liberty of the petitioner had deputed two armed gunmen with the petitioner, but later on they were relieved on 27.04.2023 leaving the petitioner as a sitting duck.
6. It has been submitted on behalf of the petitioner that the petitioner had earlier filed a petition seeking issuance of similar directions i.e. CRWP-5547-2023, which was disposed of vide order dated 02.06.2023 directing the respondents to consider the threat perception of the petitioner and to take necessary steps and that pursuant thereto, enquiries were made and as per the report dated 28.06.2023 (Annexure P-7) of the Station House Officer, Police Station Civil Line, Batala, there was genuine threat to the life and liberty of the petitioner and it was recommended that he be provided gunmen.

7. Reply on behalf of the State has been filed, which is taken on record. The relevant extract i.e. Paras No.8, 9 & 10 from the said reply is reproduced hereinunder:

“8. That the facts that emanate from the record do not establish any threat to the petitioner and it seems that the demand for security is more to display it as a symbol of authority and to flaunt his status. This practice of creating a privileged class on state expenses by using the tax payer’s money has to be depreciated.

9. Evidently, there is no material or objective evidence on the basis whereof it can be held that the apprehension of the petitioner is well-founded and that the threat is real. Any perceptive apprehension supplemented by a self serving statement, which has been enquired into and found misplaced, cannot lay ground for directing protection at public expenses. Security as a means to impress authority and importance cannot be provided as a matter of right.

10. That it is humbly submitted that SHO Police Station Civil Lines, Batala has been given directions to ensure the protection of life and liberty of the petitioner as and when the petitioner approaches him and further directions have been made that, if so required, the preventive action against the private respondent be taken accordingly.”

8. Learned State counsel has also informed that as a matter of fact Baljinder Singh @ Billa, from whom the petitioner allegedly apprehends threat, presently stands arrested.

9. In view of the aforestated position, wherein Baljinder Singh @ Billa already stands arrested and the State in its reply has taken a categoric stand that there is no eminent threat to the life and liberty of the petitioner or to any other member of his family, no direction is required to be issued at this stage. The petition, as such, is dismissed at this stage.

10. It is, however, clarified that if at a later stage aforesaid Baljinder Singh @ Billa is released from jail and the police finds that Baljinder Singh @ Billa is active in the area and there is genuine threat to the life and liberty of the petitioner at the hands of aforesaid Baljinder Singh @ Billa, then necessary steps as warranted under law shall be taken at the earliest.
11. Even at the sake of repetition, it is clarified that such steps would be warranted only in case of genuine imminent threat to life and liberty of the petitioner and not merely on a casual request made on behalf of the petitioner.

**24.04.2024**  
Vimal

**( GURVINDER SINGH GILL )**  
**JUDGE**

|                            |               |
|----------------------------|---------------|
| Whether speaking/reasoned: | <b>Yes/No</b> |
| Whether reportable:        | <b>Yes/No</b> |