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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

226

CRWP-4528-2022 (O&M)
Date of decision: 30.07.2024

Kuldeep Singh

...Petitioner

Versus

State of Harayna and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India seeking issuance of directions to respondent Nos. 2 to 4 to protect the life and liberty of the petitioner and his family members from the hands of respondent Nos. 5 to 7.
2. Learned counsel for the petitioner submits that the petitioner is working as Central Benami Sampati Agent with Code No. SO-3290. He had filed a complaint before the Income Tax Commissioner, Benami Prohibition Unit (Benami Nishedh Ekai), Sector 17, Chandigarh against respondent No. 5 and his family members levelling allegations having black money and illegal properties. Respondent Nos. 5 and 6 are the land mafias. The said complaint was inquired into by the CBI, ED as well as by Income Tax Department and summons were sent by the Deputy Commissioner of Income Tax to respondent No. 5. Due to the said fact, respondent Nos. 5 to 7 became inimical to the petitioner and they have been extending threat to the petitioner to kill him.

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Respondent No. 7 is a wanted criminal of Faridabad and is a member of Kaushal gang. Though, presently he is in jail but his associates have been extending threats to the petitioner. In this regard, the petitioner has approached concerned police officers but no action has been taken for protecting his life and liberty. The petitioner is having his house at Faridabad but due to threats being extended by respondent Nos. 5 to 7, he is hiding with his family members at some other place. Therefore, it is argued that appropriate direction may be issued to the official respondent to protect the life and liberty of the petitioner as well as his family members.

3. *Per contra*, learned State counsel, in terms of the reply, has argued that proper inquiry has been made into the matter and it was found that there was no requirement to provide any police security to the petitioner. Hence, it is argued that the petition is liable to be dismissed.

4. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

5. On a perusal of the record, it is revealed that the petitioner, who claims himself to be a whistleblower and has been working as Central Benami Sampati Agent, had filed a complaint against respondent Nos. 5 and 6 with regard to their owning illegal property and having black money. It is claimed by him that his complaint was inquired not only by CBI but by ED and Income Tax Department as well. Due to the said reason, respondent Nos. 5 to 7 have become inimical and posing threat to his life and liberty as well as that of his family members. However, on a Court query, the petitioner has refused to disclose as to who has appointed him as Central Benami Sampati Agent or as to

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which Department/Ministry/Government, he belongs to and claims to be an undercover agent.

6. Further, on a perusal of the reply dated 24.01.2023 filed by respondent-State, it is revealed that on receipt of notice of this petition, respondent Nos. 5 and 6, who are father and son respectively, were called by the local police, whereby respondent No. 5 stated that he had executed an agreement with the petitioner for the purchase of 08 kanals of land for a sale consideration of Rs. 54 Lakhs in the year 2016 and in pursuance of the same, he had paid Rs. 50 Lakhs to him through cheques and only an amount of Rs. 4 Lakhs was to be paid to the petitioner but he did not execute the sale deed, on which, respondent No. 5 had filed a civil suit, which is still pending. The petitioner had subsequently issued some cheques to respondent No. 5 but they were dishonoured by the bank concerned and consequently, complaints under the Negotiable Instruments Act, 1881 (*for short N. I. Act*).

7. Respondent No. 5 further stated that he has no relation with Sachin s/o Nawal Kishor. During inquiry, it was found that two FIRs have been registered against respondent No. 5, whereas there is one criminal case against respondent No. 6. It was also found that as many as 07 complaints filed by respondent Nos. 5 and 6 under Section 138 of N.I. Act are pending against the petitioner. The petitioner during inquiry of the matter could not produce any solid evidence to establish that private respondents were extending threats to him. So far as respondent No. 7-Sachin is concerned, it is stated that there as many as 34 FIRs against him and he is behind bars since a long time and it cannot be believed that he must have extended any threat to the petitioner. Even

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otherwise, the petitioner could not demonstrate to this Court as to on which particular date and in what manner, the private respondents had extended threat to him. Rather, in the entire petition, the petitioner has nowhere mentioned that several litigations are pending between him and respondent Nos. 5 and 6. Neither he has mentioned that he was in the process of selling his land to respondent Nos. 5 and 6, which could not materialize. It appears that in order to put pressure on the private respondents and harass them, the petitioner has filed this petition by misusing the process of law. The claim of his being an undercover agent seems to be nothing but a sheer lie. A litigant should approach the court with clean hands, presenting all relevant facts with honesty and transparency. The misuse of the whistleblower process undermines the integrity of systems designed to protect individuals who expose wrongdoing. When individuals exploit this process for personal gain, false accusations, or to settle personal vendettas, it not only damages the reputations of innocent parties but also erodes trust in the entire system. This abuse diverts resources and attention away from legitimate concerns, making it more difficult for genuine whistleblowers to be heard and for true issues to be addressed effectively.

8. In view of the discussion as made above, I am of the considered opinion that no case for issuing any direction to the official respondents has been made out. Hence, the present petition is dismissed.

30.07.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No