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

CRM-M-44671-2018

Date of Decision:- 02.09.2024

Rakesh

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.
(*through Video Conferencing*)

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner – Rakesh has filed petition under Section 482 Cr.P.C. with a prayer for issuance of direction to respondents No. 2 and 3 to provide security to life and liberty of petitioner, which is in danger from the hands of accused persons who are named in FIRs Annexures P-2 to P-4, Annexure P-6 and Annexure P-7, and from other influential persons and Government officials who do not want information about their corrupt activities to be disclosed by petitioner, being a social as well as RTI activist.

2. Learned counsel for petitioner pointed out that petitioner is a social activist who has served as President of Human Right Council of India in District Bhiwani. He was a member of Panchayat Samiti Block Badhra from the year 2010 to 2015. He has disclosed many corruption

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cases and FIRs have been registered against highly influential persons and Government officials. He has referred to FIR No. 151 under Section 409, 420, 467, 468, 471, 120B IPC, Annexure P2, and FIR No. 19 dated 15.01.2018, under Section 120-B, 409, 420, 467, 468 of IPC, Police Station Badhra, Annexure P-3. He sought information from time to time under Right to Information Act, 2005, regarding public welfare schemes issued by Government and their implications at grass root level. In the year 2014, when he sought information from Badhra village Sarpanch regarding Five-Year Development Fund details, matter went up to State Information Commission and in this regard, he was attacked and caused serious injuries. He made representation before respondents No. 2 and 3, seeking protection on account of FIRs Annexures P-2 to P-4, Annexure P-6 and Annexure P-7, registered on his information against highly influential persons and Government officials. Copy of representations are Annexure P-8. SHO, Police Station Badhra also submitted his report dated 28.06.2018, Annexure P9, confirming that possibility of any mishap with petitioner cannot be ruled out. Under the aforesaid facts and circumstances of case, life and liberty of present petitioner be protected by giving appropriate direction.

3. Status report is filed where it is alleged that as per report of SHO, Police Station Badhra, present petitioner is an office holder of Aam Aadmi Party. He is having two licensed weapons for his personal safety. He is not facing threat perception to his life. However, adequate security shall be provided to petitioner, in case need arises. On merits, registration of FIRs as alleged by petitioner are confirmed. There is no specific



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recommendation on behalf of local police in report dated 11.06.2018. In the status report, status of FIRs is also explained. It is alleged that petitioner has no threat perception. Otherwise, police is duty-bound to protect life and liberty of every individual. But in the case in hand, there is no eminent threat to his life and liberty. Therefore, same may kindly be dismissed being devoid of merit.

4. I have considered the arguments as well as status report filed on behalf of official respondents. It is not disputed that at the instance of present petitioner, various FIRs were registered from time to time. Those FIRs will be decided on their own merits. Learned counsel for petitioner has referred to report submitted by SHO, Police Station Badhra dated 28.06.2018, Annexure P9, where in the conclusion of report, relevant portion runs as under:-

“.... As per bare perusal of the statement of complainant, enquiry form the respectable people and the criminal cases registered in the police station it is found that possibility of any mishappening cannot be ruled out. Report is submitted in your service.

Sd-

SHO Police Station Badhra

Date: 28.06.2018”

Irrespective of political affiliation of present petitioner has got every right to seek protection of his life and liberty, in view of threat perception. Even if petitioner has got two licensed weapons for his safety, even then police cannot escape its responsibility for providing protection.

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5. Considering the aforesaid factual position, respondents No. 2 and 3 are directed to consider representation of petitioner and take concrete adequate measures to protect his life and liberty, considering threat perception as and when required.

6. With aforesaid direction, present petition stands disposed of.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

02.09.2024

lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No