



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CWP-12649-2024 (O&M)

Date of decision: 20.08.2024

Shubham Sachdeva

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. R.S. Bajaj, Advocate for the petitioner.

Ms. Niharika Sharma, AAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to provide adequate security to the petitioner and his family members and for taking appropriate legal action against the persons extending threat of life to the petitioner and his family members.

2. Learned counsel for the petitioner has argued that the petitioner is a practicing Advocate and enjoys a good reputation in the society. He was appointed as District President (Legal) of Aam Adami Party at Jalandhar. As a result of his discharge of responsibility of the office as well as him being a practicing Advocate, he has become target at the hands of antisocial persons. On 31.07.2023 at about 9.30/10.00 p.m., the petitioner received an audio clip on his whatsapp number followed by a whatsapp call from a person, who disclosed his identity as “*Khatri*”. The said person used foul



108

CWP-12649-2024 (O&M)

language against the petitioner and demanded a ransom of Rs.10 lakh from the petitioner failing which he was threatened to be shot dead. Intimation in this regard was sent to the Police Officials. On the next day i.e. 01.08.2023, another whatsapp message was received by the petitioner from the same number to the effect that they were waiting for his reply. The said aspect was also represented to the Commissioner of Police, Jalandhar for taking legal action the said unknown person.

3. Eventually, the petitioner was provided a gunman on 28.08.2023 who used to accompany the petitioner to ensure his safety. The said police official met with an accident on 11.11.2023 on account whereof he was admitted in ICU in Johal Hospital Jalandhar. Intimation was sent to the Commissioner of Police, Jalandhar, for providing alternate security cover to the petitioner but no heed was paid to the said request.

4. As the news of security having not been provided to the petitioner became open, the petitioner was attacked by some persons on the night of 14.11.2023 with an intention to kill him. A complaint was submitted yet again to the respondent No.5 along with his MLR with a request to register an FIR against the accused persons. Some of them have also been named in the complaint whereupon an FIR No.319 dated 17.11.2023 was registered in Police Station Rama Mandi Jalandhar under Sections 323, 341, 148, 149, 506 IPC. A request to restore his security cover was re-iterated by the petitioner on which he was provided another gunman namely Constable Gurpreet Singh on 24.11.2023, who was withdrawn on 03.12.2023 without any justification. The petitioner made yet another



representation to the respondents against withdrawal of the security and was assured that some other police official will be assigned for his security but nothing of that sort was done. The petitioner against received threats from unknown persons whenever he used to move around in the society. The said callers claimed themselves to be the associates of one Daljot Kahlon, owner of HP Mani Dhaba, Jalandhar and threatened the petitioner that they had strong links with gangsters as they were earlier associated with one Sukha Kahlwan gang and are now associated with Dalbir Singh @ Dalbira gang which was working under direct supervision of Lawrence Bishnoi gang. They also threatened the petitioner to take back the FIR dated 17.11.2023 and pay the ransom amount or else his family members will be eliminated. It is contended that despite receipt of new message and calls, the respondents have failed to provide any assurance of security cover to the petitioner. He contends that security cover has been provided to various other persons but has not been extended to the petitioner.

5. Pursuant to the order dated 29.07.2024 passed by this Court, an affidavit dated 19.08.2024 of Mr. Nirmal Singh, PPS, Assistant Commissioner of Police (Central), Police Commissionerate, Jalandhar on behalf of respondents No.1 to 5 has been filed today in the Court and the same is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner. The relevant part of the said affidavit reads thus:

“3. That with regard to the order dated 29.07.2024 passed by this Hon'ble Court, it is respectfully submitted that the norms and guidelines for providing security to individual



protectees have been laid down in the State Security Policy-2013, notified by the Government of Punjab. The Security Policy stipulates that "Police officers are recruited, trained and maintained at a huge cost borne by the taxpayer, and are, therefore, meant to be deployed for the protection of the community. Providing police officers to individuals for their protection at the cost of the taxpayer is not the function of the State or the Government," and that "personal protection at State expense was always meant to be an exception, and not the rule".

4. That according to the security policy, personal security cover to private individuals is provided on the basis of an evaluation of threat perception, which is subject to periodic reviews. The perception of threat is evaluated on the basis of an elaborate threat assessment exercise, and it is only after a careful consideration and an objective assessment and analysis of latest inputs received from the State Intelligence/field units that the security cover is deployed/withdrawn/or modified accordingly. The Office of the respondent i.e. Additional Director General of Police, Security, Punjab, is the competent authority for carrying out assessment of threat and for the deployment/withdrawal/review of security cover.

xxxx



6. *That in compliance of the previous dated 27.05.2024 passed by this Hon'ble Court, the deponent had directed the SHO of Police Station Rama Mandi, Jalandhar, to conduct verification of the facts qua the alleged threat perception to the life and liberty of the petitioner and submit a report regarding the same. Accordingly, the SHO of Police Station Rama Mandi submitted a report to the deponent and upon perusing the same, the facts which have been revealed are as below:-*

a) *That the matter of fact is that in the month August 2023, the present petitioner had given complaints to various Police authorities in which, the petitioner had stated that he had received voice messages on his mobile No. 90413-39235 from an unknown mobile No. 91687-75103, through Whatsapp application in the month of August, 2023, threatening him to give Rs. 10 Lacs failing which he would face dire consequences.*

7. *That it is worthwhile to mention here that on 17.11.2023, the present petitioner's statement was recorded by Police Station Rama Mandi, in which he stated that on 14.11.2023, while going back to his residence located at House No. 215-A, Guru Nanak Pura West, Street No. 1. Jalandhar, the petitioner was surrounded and physically assaulted by 13-14 persons. On the basis of above-said*



statement of the petitioner for which FIR No. 319 dated 17-11-2023, U/s 323, 341, 148, 149, 506 IPC was registered at Police Station Rama Mandi, Jalandhar against the accused persons ie. 1) Prabhjot Singh, 2) Diljot Singh @ Kahlon Brother 3) Unknown accused persons.

8. *That the above-said accused namely Prabhjot Singh and Diljot Singh @ Kahlon Brothers joined investigation in FIR No. 319 (Supra) on 26.06 2024, the final investigation report in the said FIR has been filed by the Police Station Rama Mandi in the Ld. Trial Court on 09.08.2024; however, the charges against them are yet to be framed by the Ld. Trial Court.*

9. *That it is pertinent to mention here that the Police made efforts to ascertain the Whatsapp details of the above-mentioned Mobile No. 916-877-5103 of the unknown caller from whom the present petitioner allegedly received threat call/voice messages and in this regard, SHO of Police Station Rama Mandi, Jalandhar vide his office letter No. 457-SP dated 24.06.2024 sought assistance from the Technical Cell of Police. However, no results were unearthed and no clue could be established.*

10. *That in order to verify as to if any threat perception exists pertaining to the petition, the statement of the present petitioner has been recorded on 27.06.2024 by the*



Police, wherein he stated that he is professionally employed as an advocate and has been working in connection with the cases of department of Director of the Water Supply and Sewerage Board, Department of Local Government, Punjab Government. In August 2023, the petitioner received threats via voice messages on Whatsapp application from an unidentified phone number and was asked to give Rs 10 lakhs on failure of which he would face dire consequences.

11. The petitioner further stated that he has been dealing with the responsibilities concerning water supply and sewerage issues across Punjab and some political protests are being held in the said area and the petitioner had received the last alleged threat call on 31.12.2023 and thereafter he did not receive any such call or threat.

12. That the SHO of Police Station Rama Mandi, Jalandhar verified the facts mentioned by the petitioner in his above-said statement and the previous history of the matter concerning the alleged threat perception to the petitioner. After verification of the facts by the SHO of Police Station Rama Mandi, he submitted a report to the answering deponent mentioning therein that presently the petitioner does not have any threat perception to his life and liberty. However, the SHO has directed the patrolling police party and the Beat Officer of the relevant area to maintain vigilance



around the vicinity of the petitioner's residence. In the event of observing any suspicious activities or individuals, prompt and appropriate action is to be taken in accordance with the law. Further, the petitioner has been provided with the contact details of the SHO of Police Station Rama Mandi and deponent to facilitate direct communication in case any assistance is required to the petitioner in future. An entry in this regard has been made vide DDR No. 34 dated 27.06.2024 at Police Station Rama Mandi, Jalandhar for record purpose and copy thereof has been provided by the SHO of Police Station Rama Mandi to the answering deponent and higher Police officers.

13. That in light of the above mentioned facts, the petitioner currently does not face any alleged threat to his life and liberty. Nevertheless, to ensure the petitioner's safety all necessary actions have been taken as mentioned in para number 12."

6. It is evident from the perusal of the aforesaid affidavit that the threat apprehension expressed by the petitioner has already been evaluated by the respondents by taking necessary inputs and they do not find any alleged threat to the life and liberty of the petitioner and that appropriate steps commensurate to the extent of the apprehension have already been provided for. Further, so far as the contention of the learned counsel for the



petitioner that certain other persons have been provided security cover is concerned, the said argument cannot be accepted at this juncture since the challenge in the present petition is not to the providing of security cover to certain other persons. In each case there was threat perception and its upto the respondent-authorities to review the security arrangements. The security covers are provided or withdrawn on the basis of the inputs received from various agencies at different points of times.

7. I find no grounds to hold that the reply filed by the respondents is mis-conceived and that the steps taken by them are not adequate to ward off the apprehension expressed by the petitioner. The present petition is accordingly disposed of as having been rendered infructuous at this stage.

8. The petitioner shall however be at liberty to take recourse to the appropriate remedies in the event of any fresh threat being extended to him.

20.08.2024
Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

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