



CRWP No. 5488 of 2023

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

CRWP No.5488-2023
Date of Decision: 19.12.2024

Gagandeep Singh @ Sunny Kainth ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Suneet Pal Singh Aulakh, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

Apprehending threat to life and liberty at the hands of the private respondents, the petitioner, invoking the fundamental right of life guaranteed under Article 21 of the Constitution of India, has come up before this Court seeking protection through the State.

2. Counsel for the petitioner has filed an affidavit (Annexure P-5), which reads as under:-

"3. The deponent has filed the said petition on 31.05.2023. Thereafter since today the deponent is continuously receiving threats and some of such are explained hereunder: -

i. On 17.07.2023 threats were received for which G.D. No. 37 dated 17.07.2023 was registered.

ii. On 27.07.2023, received a message on Facebook, from Facebook ID: Jagmeet Singh. I filed the complaint immediately before the SHO P.S. Sadar, Ludhiana and in writing on 01.08.2023. The contents of the message are reproduced hereunder in translation for ready perusal:-

"You have also become the pimp of RSS, you have been told many times not to press the RSS dogs but now you have started following the RSS bath, now we will

**CRWP No. 5488 of 2023**

teach you a lesson in the same manner we have taught it to your Gagneje. We will do the same with you and the dreams of your BJP of making Hindu nation will never be fulfilled.

iii. On 01.03.2024 received messages from Facebook ID of Harmeet Singh, thereafter received a call from him. Earlier the deponent thought that he is just someone issuing threats in air but when he called he told so many things about the deponent and his family and also took names of Khalistanis. His facebook account also promotes Khalistanis. Then the deponent did some research at his own level and came to know that the person Harmeet Singh is his actual name and lives in Canada as well as he has some contacts with Khalistanis. Finding his threats serious, the deponent filed a complaint before police commissioner, Ludhiana on 05.03.2024 having UID No. 314507. The deponent traced his whereabouts and the said person belongs the constituency of the deponent but police is not taking it seriously.

iv. In November 2023 received a call on Whatsapp from Pakistani mobile number. they also had so much knowledge about the deponent and his family and businesses. Issued threats to his life. Unfortunately the said number is not saved with the deponent.

V. On 07.11.2024 received threats from Facebook ID Singh Dalvir, messages as well as voice messages, again threatening the deponent. The person is living in U.K. the deponent is doing all the research by himself.

vi. That since the filing of the petition, the deponent received messages from various Facebook IDs and Whatsapp IDs, but these people issue threats and delete their IDs thereafter to avoid trace. The deponent informed the police on various occasions.

vii. That police officials still come to the house and office of the deponent, whenever they get some input that there is a threat to life of the deponent.

But deponent refused to have photoshoot with the police personnel.

viii. That on 3-4 occasions, some persons followed the deponent and made his video and left. The deponent is under threat that some unidentified persons are doing recce of his office and house.

**CRWP No. 5488 of 2023**

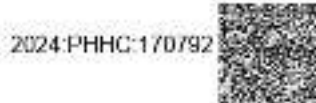
4. That finding now other way out, the deponent approached the local police on numerous occasions, but the people who issues threats delete their messages or IDs.”

3. Given the contents of affidavit, petitioner makes out a case for protection. If the allegations of apprehension of threat to life turn out to be true, it might lead to an irreversible loss. Thus, in the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Superintendent of Police, or any officer to whom such powers have been delegated or have been authorized in this regard, provide appropriate protection to the petitioner for two weeks from today. However, if the petitioner no longer requires the protection, then at his request, it may be discontinued even before the expiry of two weeks. After that, the concerned officers shall extend the protection on day-to-day analysis of the ground realities or upon the oral or written request of the petitioner.

4. The protection is subject to the stringent condition that from the time such protection is given, the petitioner shall not go out of his house unnecessarily and shall certainly refrain from attending parties, bars, picnics or any area that may pose a risk to their life. The SHO should send police officer(s) to petitioner’s home to assess the required level of security. Once the assessment is done, the officer should provide adequate security without the petitioner having to contact them.

5. It is clarified that if the petitioner visits any disputed place and the security officer become aware of it, they should advise the petitioner to avoid going there. If the petitioner still insist on going, the officer has the right to return to the police station due to petitioner’s defiance of the order.

6. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way if the interrogation of the petitioner are required in any cognizable case. It shall also be open for the petitioner to approach this Court again in case of any fresh threat perception.



CRWP No. 5488 of 2023

7. ***This order shall eclipse after fifteen days from today.***

8. Since this order shall eclipse after fifteen days, and after that if the concerned Officer wants to provide any further security, he/she may provide at his/her own level and not based on the order of this Court. It is clarified that under protection, the petitioner shall refrain from attending parties, bars, picnics or any area that may pose a risk to his life and try to confine to his work place.

9. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

19.12.2024

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Whether speaking/reasoned: Yes

Whether reportable: No.