

**CRWP-7203-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****111****CRWP-7203-2024****Date of Decision : August 06, 2024****KASHMIR GIRI ALIAS KASHMIR GIR****-PETITIONER****V/S****STATE OF PUNJAB AND OTHERS****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

*********KULDEEP TIWARI, J. (ORAL)**

1. Through the instant criminal writ petition, as filed under Article 226 of the Constitution of India, the petitioner seeks issuance of directions upon the respondents No.1 to 4, to ensure protection of his and his family members' lives and liberty, inasmuch as, he is receiving threat calls either to withdraw the complaints made against respondent No.5 and not to work against gangsters, or, to face dire consequences.

2. On 31.07.2024, this Court had directed the respondent-State to, after evaluating whether there is any threat to the life and liberty of the petitioner or not, file a reply to the instant petition. Accordingly, today the learned State counsel has filed a status report, on affidavit of Sukhamrit Singh Randhawa, PPS, Dy. Superintendent of Police, Detective, Khanna, which is taken on record. A copy of the status report has also been supplied to the learned counsel for the petitioner.

3. Before penning down the reasons for declining the prayer made

**CRWP-7203-2024****2**

by the petitioner and consequently dismissing the instant petition, it would be apt to record at this juncture that, earlier also the petitioner had accessed this Court through filing CRWP-994-2024, thereby seeking an alike relief, as craved in the instant petition, however, vide order dated 01.03.2024, the said criminal writ petition was dismissed as withdrawn, but, with liberty to the petitioners therein to approach the appropriate authority, in case they apprehend any danger in future.

4. The learned counsel for the petitioner submits that, on account of supervening events, an apprehension regarding threat to life and liberty has cropped up in the mind of the petitioner, thereby triggering him to institute this second petition on the same cause of action.

5. This Court has perused the instant petition as well as the status report (supra). The status report reveals that the application filed by the petitioner was inquired into by the S.H.O., P.S. City 2, Khanna, whereupon, it surfaced that there is no threat perception, as purported by the petitioner. Moreover, the allegations regarding receipt of threat calls from the mobile numbers provided by the petitioner is also found to be false. The relevant portion of the status report is reproduced hereunder:-

“4. That the inquiry regarding the said application (Annexure P-7) was conducted by the S.H.O, P.S City 2, Khanna. After inquiring the matter the S.H.O submitted the inquiry report to the effect that:

i. The petitioner, Kashmir Giri, alleged that he received death threats from unknown individuals through mobile numbers 923016634188, 923329599299, +916283190632, and +919814796705. The petitioner sought protection for his life and property.

ii. The technical cell of Khanna Police was tasked with obtaining call details, IPDR (Internet Protocol Detail Record), customer application forms (CAF), IMEI



(International Mobile Equipment Identity), and subscriber information for these numbers.

XX

XX

XX

iv. The mobile number +919814796705 was registered in the name of Bano, wife of Muhammad Yousaf, resident of Laddhuran, Tehsil Samrala, District Ludhiana. The call analysis confirmed that no calls were made from this number to the petitioner's mobile numbers 98760-08890 or 98760-81160 during the period in question.

v. It was mentioned in the inquiry report that no calls from the alleged contact number were found to be made on the contact numbers of the petitioner. Therefore, it was mentioned that no action has been required on the application of the petitioner.

vi. During the inquiry, it was also revealed that the petitioner, Kashmir Giri, conspired a false attack against him to seek protection. Therefore, FIR No. 37 dated 09-03-2020 under sections 307/506/34 IPC and 25-54-59 Arms Act, was registered at Police Station City 2, Khanna. During the inquiry of the FIR 37 (Supra) it was found that the accused arrested in FIR No. 137/20, Police Station Samrala, were involved in the fake attack. The investigation into FIR No. 137/20 at Police Station Samrala uncovered that the petitioner had fabricated the attack with the help of his son and the accused in this case.

XX

XX

XX

5. That in view of facts and circumstances stated above it is submitted that the petitioner appears to be habitually filing false petitions and applications in an attempt to evade their criminal liability in other cases. **There is no threat perception, as purported by the petitioner, to his life and liberty.** Consequently, it is respectfully submitted that no action is warranted on the part of the police authorities in the present DA matter.....”

6. Nonetheless, it has also been disclosed in the status report that, consequent upon the petitioner conspiring a false attack upon him in order to seek protection, although FIR No.37 dated 09.03.2020, under Sections

**CRWP-7203-2024****4**

307/506/34 of the IPC, and, Sections 25/54/59 of the Arms Act was registered at P.S. City 2, Khanna, however, subsequently the investigation into FIR No.137/20 unveiled that the petitioner had himself fabricated the said attack with the help of his son and other accused in this FIR. In fact, the petitioner was arrested in FIR No.37 (supra) and challan was duly presented before the court concerned.

7. However, the aforesaid fact has conveniently been concealed by the petitioner in the instant petition. Resultantly, when this Court posed a query to the learned counsel for the petitioner about the reason behind concealment of this fact, the latter responded that this is not a relevant fact, as this incident happened in the year 2020. This Court is unable to accept this submission of the learned counsel for the petitioner. An incident, which occurred in 2020, which was *prima facie* fabricated by the petitioner himself to seek security cover, is in fact a relevant fact to be disclosed in the instant petition, as it would reflect the conduct of the petitioner.

8. This Court has perused the entire petition, however, except vague and fanciful allegations, that too unsubstantiated, there is nothing which would compel this Court to infer that petitioner has any threat to his life and liberty, especially when the status report also makes revelation that there is no threat to petitioner. Moreover, the status report also discloses that the petitioner resides in a densely populated area close to P.S. City-2, Khanna, which already provides a certain level of safety due to proximity with the police station.

9. Furthermore, as the instant petition has been instituted within a period of four months since the withdrawal of petitioner's earlier petition



CRWP-7203-2024

5

No. CRWP-994-2024, which was instituted on the same cause of action, this Court is impelled to draw an inference that the petitioner is abusing the process of law merely for the purpose of securing a security cover. Consequently, the instant petition is **dismissed**.

August 06, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No