



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

106

CWP-17309-2024 (O&M)

Date of decision: 24.10.2024

Vikram Khullar and another

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. Nikhil Sabharwal, Advocate for the petitioners.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The present writ petition has been filed for issuance of a writ of Mandamus directing the respondents to grant protection cover of three security personnel to each petitioners on account of the threat extended.
2. Learned counsel appearing on behalf of the petitioners contends that the petitioners are law abiding citizens and that Awan Kumar Khullar, (father of petitioner No.1 and brother of petitioner No.2), was shot dead while he was coming out from the salon. Petitioner No.2 is an eye- witness of the said incident. He contends that Awan Kumar Khullar (since deceased) was Sarpanch of village Jhabal Kalan, District Tarn Taran and was a respected figure in the area as well as the community. He was driven by a strong sense of justice and community responsibility due to which he was on the hit list of the antisocial elements. He contends that an FIR No.04 dated 14.01.2024 was got registered under Sections 302, 34, 120-B of IPC read with Section 25 of the Arms Act, 1959 at Police Station Jhabal, District Tarn Taran on the statement of petitioner No.2 against Amritpal Singh son of



Satnam Singh and two other unknown persons. The said accused has not been arrested so far and is still on the run. He used to extend threats to the petitioners so that they refrain from pursuing the said case failing which the family of petitioner No.1 as well as the petitioner No.2 shall be eliminated.

3. Late Awan Kumar Khullar acted as a whistle-blower and expressed illegal mining activities that were allegedly being conducted at behest of local MLA. It is alleged that multiple FIRs were registered against the petitioner and his brother due to malicious and mischievous reasons. Apprehending false implication, he had sought transfer of investigation and filed a petition before the High Court. A status report was filed which showed that most of the cases were false. Family members including son of petitioner No.1 was also beaten for which FIR was also registered. Hence, the threat was read and well founded.

4. A video extending life threat was also uploaded by the accused person(s) on his social media account (facebook) on 08.02.2024. On the basis of the aforesaid threat perception, the petitioners were assigned three security personnel each. He contends that petitioner No.2 was however not satisfied with the progress of the investigation whereupon he approached the High Court by filing CRM-M-12680-2024 for transfer of investigation. On institution of the said proceedings, the respondents downgraded the security protection extended to the petitioners, without assigning any valid reason.

5. Affidavit of Mr. Kamalmeet Singh, PPS, Dy. Superintendent of Police, Sub-Division Tarn Taran, had been filed on 18.09.2024 and copy thereof was also furnished to the learned counsel for the petitioners. In the



said affidavit, it has been averred that a Standing Operating Procedure (SOP) had been circulated on 30.05.2024, in compliance of the order passed by this High Court in CRM-M-26326-2019 to be followed by all the field units while making recommendations and assessing and verifying the threat perception. It was reported by the Special Director General of Police, Internal Security, Punjab vide report dated 08.05.2024 that the threat perception of the petitioners had been re-assessed by his office and it was noticed that Manish Kumar @ Monu (petitioner No.2), who was a Member of Zila Parishad, Tarn Taran (Congress Party), was involved in the following criminal cases.

- “• ***FIR No. 24, dated 14.04.2011 u/s 307, 324, 323, 452, 506, 295-4, 148, 149 IPC, 25/54/59 Arms Act, PS Chabhal, Distt. Tarn Taran***
- ***FIR No. 189, dated 29.09.2012 u/s 307, 506, 34, 120-B IPC. 25/54/50 Arms Act, PS Chabal, Distt. Tarn Taran.***
- ***FIR No. 53, dated 23.05.2014 u/s 326, 323, 379, 427, 506, 148, 149 IPC, PS Sarai Amanat Khan, Distt. Tarn Taran.***
- ***FIR No. 197, dated 31.10.2020 u/s 160, 336, 506, 148, 149 IPC, 25/27 Arms Act, PS Sarai Amanat Khan, Distt. Tarn Taran.***
- ***FIR No. 22, dated 03.04.2021 u/s 323, 341, 506, 148, 149 IPC, 25/27/54/59 Arms Act, PS Saral Amanat Khan, Distt. Tarn Taran.***



- ***FIR No. 55, dated 30.06.2021 u/s 354, 323, 506, 34 IPC, PS Saral Amanat Khan, Distt. Tarn Taran.***
- ***FIR No. 128, dated 13.07.2023 u/s 283, 341, 149 IPC, PS City Tan Taran.”.***

6. It was admitted that Awan Kumar Khullar, brother of petitioner No.2 had been shot dead by Amritpal Singh @ Bath and others but submitted that a Special Investigation Team had been constituted by respondent No.5 vide order No.211-14 dated 05.02.2024, under the supervision of the Superintendent of Police (Investigation), Tarn Taran as Incharge, alongwith other persons. During the course of investigation, the accused namely Arshdeep Singh @ Arsh and Arpanbir Singh @ Arpan had already been arrested on 21.01.2024; the accused namely Harmaninder Singh @ Manu was arrested on 22.01.2024; accused namely Rajinder Singh @ Monu was arrested on 23.01.2024 and accused namely Jugraj Singh @ Yuvi was arrested on 24.01.2024. Another accomplice namely Ravinder Singh @ DC was arrested on 02.03.2024 and a final report against the said accused had already been presented before the Illaqa Magistrate on 19.04.2024. The case was committed to the Court of Sessions on 04.05.2024 and the charges have been framed against said accused. It has also been pointed that the investigation against accused namely Manjit Kaur, Jagdeep Singh, Satnam Singh and Amritpal Singh @ Bath is still pending and they are yet to be arrested in the present case and regular raids are being conducted by the local police for their arrest. The proceeding of Look Out Circular (LOC) was initiated against Manjit Kaur by the Investigation



Officer on 22.01.2024 while for accused Jagdeep Singh it was initiated on 24.01.2024. For Satnam Singh and Amritpal Singh @ Bath, the LOC proceedings were initiated on 24.01.2024 and 15.01.2024 respectively. A supplementary challan was also proposed to be presented after completion of further investigation against the said accused as well. It has also been specifically averred that the representation submitted by the petitioners had been duly considered and that the threat apprehension of the petitioners has been evaluated and two gunmen each have already been provided to the petitioners which are further subject to review.

7. Learned counsel for the petitioners, however, contends that since the main accused i.e. Amritpal Singh @ Bath is not arrested, hence, the apprehensions loom-large and that the security cover provided to the petitioners is not adequate especially when the incident as well as the threat extended to the petitioners are not disputed by the respondents.

8. I have heard the learned counsel for the respective parties and have gone through the documents appended with the present writ petition with their able assistance.

9. It is evident from a perusal of the same that deceased-Awan Kumar Khullar was involved in as many as 06 cases which includes two FIRs for commission of offence under Section 307 IPC. He was eventually acquitted in one and found innocent in another. The cancellation report was recommended in FIR No.78 dated 07.12.2018 while FIR No.55 dated 30.06.2021 was quashed on the basis of compromise amongst the parties and FIR No.14 dated 22.02.2021 was under investigation while the status of FIR



No.99 dated 22.08.2010 remained unverified. It has also come forth that even petitioner No.2 is also involved in as many as 06 FIRs and that he was found innocent in FIR No.189 while in FIR No.55 dated 30.06.2021 was quashed. FIR No.53 dated 25.05.2014 was cancelled 01.12.2017 while FIR No.197 dated 31.10.2020, FIR No.122 dated 09.08.2022 registered under Section 307 IPC alongwith FIR No.24 dated 14.07.2017 registered under Section 307 are either under investigation or under trial.

10. It is also noticed that the incident in question took place in January-2024 and thereafter no incident of any further threat being extended to the petitioner has occurred. Nothing has been pointed out as to how the deployment of two gunmen each would expose the petitioners to an unwanted increased danger and as to how these two armed gunmen are not sufficient to protect the petitioners.

11. I find that the threat having been evaluated by the respondent-State and a Special Report having been sent by the Special Director General of Police, Internal Security, Punjab himself, there is no ground for this Court to doubt or dispute the assessment undertaken by the competent authority at this stage. The State has arrested a large number of accused and the criminal miscellaneous petition which was filed for supervising the investigation into the incident of 14.01.2024 is already pending consideration. It is hence not a case where the State is not examining the issue, rather, the necessary evaluation has been done at the highest level before reducing the security cover from three to two gunmen each. The Court would not sit in judgment over the input, evaluation and assessment of threat undertaken by the



authority and fear stands suitably addressed. For claiming a higher grade security, more substantial evidence is required to prima facie justify such a demand. No such eventuality is established in the present case.

12. Under the given circumstances, I do not find that sufficient circumstances exist as would mandate issuance of direction to increase the security cover by one additional gunman to each of the petitioners. The existing arrangements are deemed appropriate, considering that the entire threat and security review as well as satisfaction has been accorded by the competent authority at the rank of Special Director General of Police, Internal Security, Punjab.

13. The instant writ petition is accordingly **dismissed** at this stage.

(VINOD S. BHARDWAJ)
JUDGE

24.10.2024
Mangal Singh

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