



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

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CWP-22352-2024
Date of Decision: 27.09.2024

VIRENDER GUPTA

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Mayank Bajaj, Advocate
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition for declaring the action of official respondents in withdrawing the security cover already granted to the petitioner as illegal; and for issuance of further direction to the official respondents to consider the representation of the petitioner for restoration of the security.

Learned counsel for the petitioner contends that the father of the petitioner had entered into an agreement to sell with one Gurjit Singh on 16.10.2014 wherein the total sale consideration for the land measuring 8 kanals 0 marlas was fixed at Rs.1,10,00,000/-. A sum of Rs.57,50,000/- was paid by the petitioner's father as earnest money in installments from 21.01.2015 till 30.01.2016. However, on coming to know that Gurjit Singh-vender is owner to the extent of the land measuring 2K-17M only, the petitioner's father refused to execute the sale deed, as he was cheated by said Gurjit Singh. Multiples

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requests were made by the father of the petitioner to said Gurjit Singh to return the earnest money, however, he kept on delaying the matter on one pretext or the other. He further contends that in June 2017, the father of the petitioner died and the petitioner having stepped into the shoes, started requesting Gurjit Singh for return of the said earnest money that had been obviously obtained by fraudulent misrepresentation about his share in the land holding. Eventually, Gurjit Singh refused to return the earnest money paid by father of the petitioner. A complaint was accordingly filed by the petitioner before the police on 22.01.2021, on the basis whereof, an FIR No.0151 dated 04.03.2021 under Sections 406 and 420 of IPC was registered at Police Station Yamunanagar City.

On registration of the criminal case against Gurjit Singh, he started threatening and pressurizing the petitioner and his family members for withdrawing the criminal case, failing which the consequences would be gruesome. He started following the petitioner, thus, creating apprehension in the mind of the petitioner about his safety. At one instance, when the driver of the petitioner had visited the plot of the petitioner, the aides of Gurjit Singh were found waiting there being fully armed with rods and dandas. They started questioning the driver about the reasons for visiting the plot and also asked about the whereabouts of the petitioner and repeatedly told the driver to ask the petitioner to withdraw the criminal case filed against Gurjit Singh. Soon they opened attack on the driver solely for the reason that he was employed by the petitioner. An FIR No.0324 dated 31.07.2021 was registered in this regard at

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Police Station Gandhi Nagar, Yamunanagar under Sections 148, 149, 323, 364 and 506 of IPC.

When the petitioner again approached the authorities, a protection was initially provided to him in the year 2022, when one Head Constable Jaswinder Singh, Police Lines Jagadhari was deputed to protect the life and liberty of the petitioner, however, the said protection was withdrawn in the later months of 2023 without informing any reasons for the same. The present petition has thereafter been filed in the year 2024.

The matter came up for preliminary hearing on 06.09.2024 when the State was directed to complete the instructions and to file a status report.

In compliance to the abovesaid order, a status report by way of an affidavit of Rajesh Kumar, HPS, Deputy Superintendent of Police, Yamuna Nagar-II has been filed today, a copy whereof has been furnished to learned counsel for the petitioner. The relevant extract of the said status report reads thus:

"2. That the present petition came up for hearing before this Hon'ble Court on 06-09-2024 and this Hon'ble Court directed the State to file Status report.

3. That in this regard, it is submitted that on the complaint of petitioner, a case FIR No. 151, dt. -04-03-2021, u/s 406, 420 IPC was registered at P.S. City Yamuna Nagar against Gurjit Singh s/o Ishwar Singh to Village Mandebar, Tehsil Jagadhri, Distt. Yamuna Nagar. In the said case during course of investigation, the accused Gurjit Singh was arrested. In the aforesaid case, the accused Gurjit Singh was released on bail. Now the case is fixed on 04-10-2024 for further orders from the Hon'ble High Court.

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4. That the petitioner also got registered another case FIR No. 324, dt. 31-07-2021, u/s 148, 149, 323, 364, 506 IPC P.S. Gandhi Nagar, Yamuna Nagar against accused Parvesh s/o Jyoti Ram ro H. No. 25, Ward No. 16, Joginder Nagar, Gandhi Nagar, Yamuna Nagar, Harmeet Singh s/o Sukwhinder Singh r/o Village Mandebar, P.S. Farakpur, Distt. Yamuna Nagar and accused Amandeep Singh alias Aman s/o Gurnam Singh @ Shami r/o Village Mandebar, P.S. Farakpur, Distt. Yamuna Nagar. In the said case, the aforesaid accused persons are on bail and all prosecution witnesses including petitioner have been examined. Now the case is fixed for 01- 10-2024 for defense evidence.

5. That it is further submitted that on 18-02-2022 a meeting of District Level Standing Committee was held under the Chairmanship of Ld. District & Sessions Judge, Yamuna Nagar consisting members Sh. Kamaldeep Goyal, IPS, Superintendent of Police, Yamuna Nagar and District Attorney being Member Secretary, Yamuna Nagar of The District Level Standing Committee formed under the Haryana Witness Protection Scheme 2020.

6. That in aforesaid meeting dt. 18-02-2022, the said committee unanimously decided to provide frequent/instant patrolling and also to provide escort on the date fixed in the Hon'ble Court from the residence to Court and vice-versa to the petitioner- Virender Gupta.

7. That in view of submissions made above, frequent/instant patrolling and escort was provided to the petitioner- Virender Gupta on the date fixed in the Hon'ble Court from his residence to Court and vice-versa. As such permanent police protection was not provided to the petitioner, rather frequent/ instant patrolling and escort was provided to the petitioner on the date fixed in the Hon'ble Court from his residence to Court and vice-versa.

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8- That the copy of proceedings dated 18-02-2022 of meeting of District Level Standing Committee is enclosed herewith as Annexure R-1.

9. That so far alleged representation dt. 18-07-2024 is concerned, the same has been disposed of as no truth was found in the said representation."

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

Having heard both sides at length and having gone through the aforesaid status report, it is evident that the petitioner had been granted protection under the Witness Protection Scheme. The proceedings in the said trial are already at the fag end and the matter is fixed for defence evidence. The accused Gurjit Singh had been granted the concession of a regular bail and there is no other incident of involvement of said Gurjit Singh or any of his aides. Besides, the District Level Standing Committee had carried out a review of the security arrangement meant for the petitioner and upon consideration of all the aspects, they have unanimously decided to provide frequent/instant patrolling and also to provide escort on the date fixed in the Court from the residence of the petitioner to the Court and vice-versa. It is also specifically held that permanent police protection was not required for the petitioner. Hence, there was an assessment of the threat extended to the petitioner and on evaluation thereof, the respondents have taken recourse to appropriate measures as are felt necessary and sufficient.

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There is no reason for this Court to come to any conclusion doubting the assessment having been done by the expert authority in the District Level Standing Committee.

Moreover, there is no further material available for this Court so as to come to any conclusion to the contrary or that there have been repeated threats or intimidation to the life and liberty of the petitioner. The incident in question was on account of *inter se* commercial transaction having taken place between the parties and in the spur of the moment, which may not always give rise to a continuous and running apprehension of threat to the life and liberty of the petitioner. The respondent-Authorities are competent to evaluate the decisions taken by them and on review of the inputs, if any, received in the interregnum, to take appropriate decision as is befitting in the totality of the facts and circumstances of the present case. Besides, the representation of the petitioner already stands considered and the decision having been taken on the same by the District Level standing Committee, I find that there is no reason or material for this Court, on the basis whereof, the decision taken by the respondent-Authorities is required to be interfered with by this Court.

The present writ petition is accordingly disposed of at this stage.

SEPTEMBER 27, 2024*rajender***(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No