

2024:PHHC:065869



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

240

CWP-21988-2023 (O&M).
Date of Decision: 10.05.2024.

KULBIR SINGH @ KULBIR SINGH ZIRA

... Petitioner

Versus

UNION OF INDIA AND OTHERS

... Respondents

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

Present: Dr. Malvika Singh, Advocate, and
Mr. G.V.S. Lehal, Advocate,
for the petitioner.

Mr. Satya Pal Jain, ASGI,
(Through Video Conference) with
Ms. Saigeeta Srivastava, Senior Panel Counsel,
for the respondent No.1/Union of India.

Mr. Saurav Verma, Addl. A.G. Punjab,
for respondents No.2 to 8.

2024:PHHC:065869

VINOD S. BHARDWAJ, J. (ORAL)CM-17221-CWP-2023

The present application has been filed by the applicant-petitioner under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 for seeking impleadment of National Investigation Agency and the ADGP (AGTF) as respondents No.9 and 10 respectively.

For the reasons mentioned in the application, the same is allowed.

Respondents No.9 and 10 as detailed in paragraph No.6 of the application are impleaded as respondents.

Amended Memo of Parties is taken on record.

Main case

Prayer in the present writ petition is for directing the respondents No.2 to 8 to take action on the various representations dated 20.07.2023 (Annexure P-10), 10.08.2023 (Annexure P-13), 11.09.2023 (Annexure P-16) and 22.09.2023 (Annexure P-25) submitted by the petitioner.

2 Learned counsel for the petitioner vehemently argues that the petitioner is an Ex-MLA from the Constituency of Zira, District Ferozepur, from 2017-2022 and has long been espousing the cause against anti-social elements and has been vocal about the eradication of the drug menace in the State of Punjab. She submits that as a result of the vocal opposition to the said menace and anti-social/anti-national organized criminals, the petitioner

2024:PHHC:065869



has been on the receiving end of threats from such organizations/anti-social elements. Consequently, he was provided with the security cover in the year 2021 and the same has been reduced on the directions of the respondents. The petitioner had approached this Court by way of CWP No.12353 of 2022 titled as Kulbir Singh @ Kulbir Singh Zira Vs. Union of India and others, for restoration of security and protection of the petitioner. The said writ petition was disposed of by this Court vide order dated 02.06.2022 on the statement made on behalf of the State of Punjab that the security had been withdrawn only for limited purpose to maintain law and order situation arising out of Ghallughara in Darbar Sahib and that the petitioner shall be provided one more security guard in addition to the security personnel he was already having w.e.f. 07.06.2022.

3 She submits that despite the above said order passed by this Court, the respondents have not acted and complied with the commitment made before this Court compelling the petitioner to prefer an application seeking clarification of the order dated 02.06.2022 vide CM-14180-CWP-2022 in CWP-12353-2022. The said application was also disposed of vide order dated 15.09.2022 observing that the order in question would not require any clarification. She submits that the petitioner was, however, served with a letter dated 27.09.2022, wherein the respondents made a reference to the order dated 02.06.2022 passed by the High Court that the said directions issued in the above said order were not applicable to the petitioner who had independently filed his writ petition and was staking his claim as per the orders passed in his specific writ

2024:PHHC:065869



petitions. She has further argued that the petitioner pointed out the erroneous issuance of the aforesaid letters vide his communication dated 30.09.2022 and reminded the respondents of their commitment to provide security guard as recorded in the order dated 02.06.2022 and as affirmed in the order dated 15.09.2022 passed by this Court. Despite submissions of numerous reminders, appropriate action was not taken, however, in the meanwhile, the petitioner received various threatening calls from different whatsapp numbers, the dates and description thereof has been set out in the writ petition. It is submitted that life threatening calls were being received from within and beyond India and from different gangsters operating internationally. An information in this regard was also submitted by the petitioner to the Superintendent of Police, NIA, Chandigarh for consideration of his application and for examining the security entitlement of the petitioner. Failing to move the authorities for any affirmative action, the petitioner has approached this Court.

4 Status report by way of affidavit of Gurdeep Singh, PPS, Deputy Superintendent of Police, Sub Division, Zira on behalf of respondents No.2 to 8 has been filed wherein it has been averred that the representations submitted by the petitioner have already been inquired into. The relevant extract of the affidavit reads as under:-

“4. That from enquiry carried out by the answering deponent, it has been revealed as under:-

i) That in the representation dated 20.07.2023 (Annexure P-10), the petitioner has alleged about receiving threat calls on

2024:PHHC:065869



his Mobile No.90234-00001 from Mobile No.77197-07470 on 19.07.2023. With regard to allegation of the petitioner, preventive action against Daljit Singh son of Balwant Singh, resident of Village Behak Gujran, Police Station, Sadar Zira was taken vide DDR No.16, dated 23.07.2023.

ii) That in the representation dated 10.08.2023 (Annexure P-13), the petitioner has alleged about receiving threat calls from Davinder Bambiha Gang on his Mobile No.90234-00001 from Whatsapp Call +639628442354. Upon enquiry, country code of above whatsapp call was found to be of Philippines country and international protocol detail record address (Annexure R-2) was also found to be of the United States of America and IPDR address being of the United States of America, requisite data of above whatsapp call number could not be obtained to ascertain identity of the caller.

iii) That in the representation dated 11.09.2023 (Annexure P-16), the petitioner has alleged that on 09.09.2023, he received threat calls from Arsh Dala Gangster on his Mobile No.90234-00001 from Whatsapp No.+639858835226. Country code of this whatsapp number was also found to be of Philippines country and International protocol detail record address (Annexure R-3) being of United States of America, requisite data is unavailable and could not be obtained to ascertain identity of the caller and from allegations levelled by the petitioner in above both representations, a non-cognizable offence Under Section 506 IPC was made out and a DDR No.40, dated 09.09.2023, Police Station, City Zira was recorded.

2024:PHHC:065869



iv) That the petitioner has also alleged in his representations that on 16.09.2021, two persons hit his vehicle and in this regard, case FIR No.119, dated 16.09.2021, Under Section 308/279/427/34 IPC, Police Station, Kulgarhi was registered against two persons namely Parminder Singh and Tarsem Singh who were arrested in the said case on the same day i.e. 16.09.2021 and after completion of investigation, challan of this case has been prepared which will be shortly presented in the competent Court.

v) That the petitioner has also alleged in his representations that on 01.03.2018, he had received threat calls from Whatsapp No.+15342910550 and on 13.10.2021, he also received threat calls from some Harman Gill of Singapore on facebook. It is particularly mentioned here that from years 2017 to 2022, the petitioner was a sitting MLA of the Congress party and he was having adequate security cover of eight police personnel with him.

5. That so far as prayer of the petitioner to provide adequate security to the petitioner and his family members on the basis of recent threats is concerned, as per State Security Police 2013, the petitioner being Ex. MLA is entitled to maximum two police personnel and as per State Security policy, two police personnel are permanently deployed with the petitioner by the office of Additional Director General of Police, Punjab and keeping in view, threat perception to the petitioner, one additional police personnel with adequate weapon/ammunition has also been provided temporarily to the petitioner by the District Ferozepur. Further, Station House Officer, Police Station, City Zira has also been instructed to ensure security/safety of the petitioner through Area Security. Further,

2024:PHHC:065869



the answering deponent has also been checking security of the petitioner.”

5 It is thus submitted that one additional police personnel in terms of the orders passed by this Court has already been provided temporarily to the petitioner with adequate weapon/ammunition by the District Ferozepur. Further, the Station House Officer, Police Station, City Zira, has also been instructed to ensure security/safety of the petitioner through Area Security as well. It is averred that sufficient measures have already been put in place to ensure the safety and security of the petitioner and that there is no necessity of providing any further security cover.

6 A separate short reply has also been filed on behalf of respondent No.10 by way of affidavit of Ramandeep Singh, PPS, DSP, Anti Gangster Task Force (AGTF), Punjab, Intelligence Head Quarters, Mohali. They have also submitted that the representations and the material furnished by the petitioner has already been inquired into to generate actionable intelligence and for further necessary action and that the detailed reply on assessment of such intelligence input has already been taken.

7 Additionally, the Additional Solicitor General of India appearing on behalf of Union of India also submits that the necessary input has already been furnished by the Union of India to the State and that the final decision with respect to the extension of security cover is to be taken by the respondent-State.

2024:PHHC:065869



8 Having heard the learned counsel for the parties and taking into consideration that the material relied upon by the petitioner for apprehending threat to his life has already been looked into by the respondents and that appropriate steps for providing the security cover have already been taken. I find that there is no reason for this Court to conclude that the measures taken by the State are inadequate or in any manner deficient. There is no necessity for issuing any further directions. The present writ petition is accordingly disposed of at this stage, in terms of the contents of the affidavits submitted by the State.

May 10, 2024	(VINOD S. BHARDWAJ
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: Yes/No
<i>Whether reportable</i>	: Yes/No