

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

CRM-M-60189-2022

Date of Decision:-10.01.2024

Rajan Kad.

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Samriti Singh, Advocate for
Mr. B.S. Bhalla, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 482 Cr.PC is for setting aside the order dated 03.10.2022 (Annexure P-10) passed by the respondent no.2 whereby the representation made by the petitioner seeking security has been consigned to the record room with a further prayer that adequate security be provided to the petitioner as recommended by the respondent no.4 in his letter dated 25.07.2022 (Annexure P-6).

2. The brief facts of the case are that the petitioner states himself to be an active member of All India Anti Terrorist Front, District Chairman of the Punjab Youth Development Board, Secretary of the Punjab Pradesh Congress and Political Advisor to an MLA.

3. On account of allegedly receiving threats to kill on his mobile and whatsapp the petitioner is stated to have submitted a representation to the SHO P.S. Sadar, Amritsar seeking protection and a recommendation was

made to provide one security guard to him as per report dated 25.07.2022 (Annexure P-6).

However, as no such security was provided a representation was also made to the Commissioner of Police, Amritsar on 15.07.2022 seeking adequate security. A copy of the said representation is attached as Annexure P-8.

4. As no action had been taken on the basis of the recommendation (Annexure P-6) and representation (Annexure P-8) CRM-M-43594-2022 came to be filed by the petitioner before this Court which was disposed of on 21.09.2022 with the following directions:-

“ This petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondent No.2 to provide the security to the petitioner as recommended by respondent No.4 in his letter dated 25.07.2022 (Annexure P-6) in which it is specifically stated one gunman should be provided to the petitioner as the petitioner is getting the threats to be killed on his mobile phone as the father and uncle of the petitioner were killed.

At the outset, learned counsel for the petitioner submits that let this petition be disposed off only with a direction to respondent No.2- Commissioner of Police, Amritsar to consider and decide the representation dated 15.07.2022 (Annexure P-8) alleged to have been submitted by the petitioner seeking protection for his life and liberty.

Accordingly, without commenting upon the merits of the claim of the petitioner and even the assertions set out in the petition, the present petition is disposed off only with a direction to Commissioner of Police, Amritsar that if any such representation, as indicated above, is indeed pending consideration, it shall be dealt with expeditiously in accordance with law by passing a speaking order, preferably within a period of ten days from the date of receipt of certified

copy of this order and conveying the same to the petitioner.

The present petition stands disposed off accordingly.”

5. Based on the aforementioned order the Commissioner of Police recommended that the representation dated 15.07.2022 (Annexure P-8) be filed and consigned to the record room as the petitioner did not require security.

6. It is this order which is under challenge in the present petition.

7. The Counsel for the petitioner contends that the father and the uncle of the petitioner were killed by the militants. The petitioner was an active member of a political party and other organizations. He had received multiple threats. Even the SHO P.S. Sadar, Amritsar had recommended that one gunman be provided to him. However, a cryptic impugned order has been passed whereby the Commissioner of Police has disagreed with the recommendation of the SHO and held that the petitioner did not require protection. Therefore, on account of the persistent threats, the impugned order was liable to be set aside and adequate protection be provided to the petitioner.

8. The Counsel for the State on the other hand while referring to the Status report filed by way of affidavit dated 17.04.2023 of Mr. Varinder Singh Khosa, Assistant Commissioner of Police, North, Amritsar City contends that multiple threat perception assessments had been carried out by the investigating agency on various occasions. There was no recent evidence of threat calls having been received by the petitioner. In fact, there was no evidence at all of any threat to the life of the petitioner other than the statement of the petitioner himself. The petitioner and his family members had multiple licenced weapons. There was regular patrolling being carried out in the area of which the petitioner was a resident. Therefore, at this stage

the petitioner was not entitled to be provided police personnel for his protection.

9. I have heard the learned counsel for the parties.
10. Admittedly, at one stage the SHO P.S. Sadar, Amritsar had recommended that one gunman be provided to the petitioner. However, thereafter at multiple stages threat perception assessment have been carried as per which the petitioner did not find any threat to his life. In fact other than the bald statement of the petitioner, there is absolutely no fresh evidence that he had received any threatening calls from any number much less a foreign number. Further, the petitioner and his family members are possessing licenced weapons and frequent patrolling his being conducted by the local police in the area of which the petitioner is a resident. Therefore, at this stage, I find no reasons to interfere with the impugned order dated 03.10.2022 (Annexure P-10) and, therefore, the present petition stands dismissed.

However, if at any subsequent stage the petitioner is able to show fresh evidence of any threatening calls being made to him, he is at liberty to approach the Authorities concerned who shall proceed in accordance with law.

(JASJIT SINGH BEDI)

JUDGE

January 10, 2024

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