

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

105

CWP-29447-2023
Date of Decision: 25.04.2024

JAI KANWAR SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Gursahib Singh Hundal, Advocate
for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to provide security and protection to the petitioner as the petitioner has been appointed as President, Bhartiya Janta Yuva Morcha, District Tarn Taran (Punjab), due to which the threat perception to him has been increased.

Learned counsel for the petitioner contends that the petitioner is graduate, married and is having two children. He contested election for the post of Sarpanch from his village Warian Nawan, Halqa Khadoor Sahib, District Tarn Taran in the year 2012. He joined the Bhartiya Janta Party in 2014-15 and became the Block President and District President of Bhartiya Janta Yuva Morcha, District Tarn Taran, Punjab. He submits that the petitioner has been appointed as the President of the Bhartiya Janta Yuva Morcha, District Tarn Taran, Punjab on 17.04.2021. After the petitioner was appointed as the President, certain miscreants attacked him when he was travelling in Malwa region. Again in the year 2022, when the petitioner and his associates were

returning after holding a rally, some unidentified persons tried to stop the vehicle of the petitioner. They smashed the rear glass of the vehicle of the petitioner. In this regard an FIR bearing No.0022 dated 12.02.2022 was also registered under Sections 341, 506, 427 read with Section 34 of the IPC at Police Station Sirhali, District Tarn Taran, Punjab. The counsel for the petitioner contends that on account of the political affiliation of the petitioner and coupled with the earlier incidents of 2022, the petitioner apprehends serious threat to his life and liberty and that keeping in view the threat perception, the respondents ought to provide appropriate security to protect the petitioner.

On the asking of the Court, the respondent-State has filed its reply by way of an affidavit of Ravisher Singh, PPS, Deputy Superintendent of Police, Sub Division Khadur Sahib Camp at Goindwal Sahib, Tarn Taran. The relevant extract of the same is reproduced hereinafter below:

- "2. That in compliance with order dated 01.02.2024 passed by this Hon'ble Court, the enquiry into the allegations/ alleged threat perception got verified by the deponent through SHO, Police Station Chohla Sahib, District Tarn Taran. During the course of enquiry, the statement of the petitioner was recorded and he did not provide any evidence regarding any threat to him.
3. That enquiry conducted on the averments made in the petition, further has revealed that there is no threat to the life and liberty of the petitioner in the hands of any antisocial elements in any manner and the petitioner did not receive any threat at the ends of any anti social elements and any terrorist's outfits. The petitioner belongs to a political party and he is seeking personal security as a means to impress his authority and importance. There is no threat to the life and liberty of the petitioners and his family

members at present. Therefore, there is no need to provide personal gunman/PSO to the petitioner.

4. *That as per the contents of the present petition, the petitioner is seeking the police security on the grounds that he is President of "Bhartiya Janta Yuva Morcha," Tarn Taran and his life and liberty is in danger at the hands of anti-social elements as some miscreants attacked upon him when he was traveling in Malwa Region. A case FIR No.22 dated 12.02.2023 (sic) under Section 341, 427, 506, 34 IPC against unknown persons at PS Sarhali, District Tarn Taran was registered in this regard. During investigation no person involved in this case is traced so far. However, further investigation is being conducted."*

Relying upon the same, learned State Counsel has pointed out that the threat apprehension has been evaluated and it is found that there is no threat perception to the petitioner and as such, there is no necessity of providing any security.

Learned counsel for the petitioner, however, contends that there is inherent contradiction in the stand adopted by the respondents as on one hand, they submit that there is no evidence regarding the threat to the petitioner and on the other hand, they do not dispute the factum of the above mentioned FIR No.22 dated 12.02.2022 (wrongly mentioned as 12.02.2023 in the reply filed by the respondent-State).

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.

The aspect of the FIR having been registered at the instance of the petitioner against certain miscreants is an altogether different parameter in

considering the threat apprehension of the petitioner. Occurrence of an incident in the nature of wrongful restraint or mischief by certain miscreants at any specific point of time cannot *ipso facto* be sufficient to hold that there is a looming fear or threat to the life and liberty of the petitioner. Such solitary instance at the hands of certain opponents or protestors is not sufficient to assume imminent threat to the life and liberty of the petitioner. Besides, all the inputs have already been examined by the respondents and they have not found any basis for coming to the conclusion that there is any threat to the life or liberty of the petitioner. Merely a heightened apprehension based upon the self-nurtured imagination cannot be the basis for directing the respondents-State to provide security to the petitioner.

The present petition is thus found to be without any merits and the same is thus dismissed.

APRIL 25, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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