



\$~23

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1357/2022**

SHRI GAJENDER SINGH GANDAS & ORS. Petitioners

Through: Mr. Aditya Singh, Advocate.

versus

GOVERNMENT OF INDIA & ORS. Respondents

Through: Mr. Bhagwan Swarup Shukla, CGSC
with Mr. Adarsh Pandey, Advocate for respondent
No.1/ UOI.

Mr. Amit Peswani, Advocate for Ms. Nandita Rao,
ASC with SI Rajendra Kumar, PS: Kishan Garh,
for respondents No.2 & 3/ State.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

03.04.2024

%

1. This writ petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking directions to the respondents in the nature of *Mandamus* for providing adequate security to the petitioners.

For the sake of ready reference, prayer clause is extracted hereunder:

“a. Pass an appropriate order/ direction in the nature of Mandamus providing/ restoring security to the petitioners as per the assurances given to this Hon’ble Court in W.P. (Crl) No. 1790/2018 titled as “Sh. Gajender Singh Gandas & Ors. Vs. Government of India & Ors.”.

b. Pass an appropriate order/direction to the Police authorities to ensure protection of the petitioners within NCR.

c. Pass any other order(s) in the interest of justice”

2. Status Report was filed on behalf of the State. On 06.06.2022, Court had recorded that a fresh assessment on the threat perception was made by the Competent Authority on 04.10.2021 and after re-assessment, two PSOs were provided to the petitioners, one for the day and another for the night. This arrangement has since continued till date.

W.P.(CRL) 1357/2022

Page 1 of 2



3. Mr. Amit Peswani, learned counsel appearing on behalf of Ms.Nandita Rao, learned ASC, on instructions from the IO, who is present in Court, states that the accused Vijay Pehalwan, the alleged notorious gangster has been arrested on 19.11.2023 and is in Judicial Custody in Central Jail, Tihar in case FIR No.450/2019 registered at PS: Kishangarh and in view of this, the Competent Authority may be granted liberty to undertake fresh assessment of the threat perception to the petitioners. Counsel for the petitioner candidly agrees that a fresh decision may be taken by the Competent Authority *albeit* he states that there is a greater threat to the life of the petitioners and therefore, the security cover needs to be increased.

4. Record shows that the last assessment on the threat perception to the petitioners was carried out by the Competent Authority on 04.10.2021 and two PSOs were provided, one for the day and the other for the night. This petition is, therefore, disposed of, directing the Competent Authority to carry out a fresh assessment of the threat perception and take a decision accordingly.

5. Needless to state that the decision will be communicated to the petitioner and the PSOs will be detailed in consonance with the fresh assessment. Till the decision is taken, present arrangement of providing two PSOs to the petitioners will continue.

JYOTI SINGH, J

APRIL 3, 2024

B.S. Rohella

W.P.(CRL) 1357/2022

Page 2 of 2