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

+ **W.P.(CRL) 2192/2024**

RAJO DEVI & ANR.

.....Petitioners

Through: Mr. Ranbir Singh Kundu, Advocate.

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC
(Criminal) for the State alongwith
Ms. Charu Sharma, Mr. Arijit
Sharma, Mr. Vaibhav Vats and Mr.
Nikunj Bindal, Advocates with SI
Dharmveer, P.S.: Chhawla.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

25.11.2024

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CRL.M.A. 35232/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioners seek a direction to the respondents to provide them security and protection against the unlawful threats being extended by associates of a certain gangster, in the backdrop of the fact that petitioner No.1 is the widow of the deceased Suraj Bhan, who was a complainant/witness in a murder case pending against the said gangster.

2. It is pointed-out, that as was recorded in order dated 24.07.2024, Suraj Bhan *alia* Ballu Pahalwan was himself done to death on 30.01.2024 since he was a witness in that case.
3. Pursuant to directions issued *vide* order dated 07.08.2024, Status Report dated 03.09.2024 has been filed under the signature of the



Deputy Commissioner of Police, Dwarka ('DCP'), which states that after assessing the threat perception of the petitioners, an armed PSO has been assigned to petitioner No.1 from 8:00 a.m. to 8:00 p.m. with effect from 02.09.2024, till such time a fresh, discrete and comprehensive threat assessment report is received from P.S.: Special Cell, Delhi.

4. Mr. Ranbir Singh Kundu, learned counsel appearing for the petitioner however submits, that as per his instructions, the PSO assigned to petitioner No.1 has not reported on duty for the last one week; and besides, the PSO says that he has instructions only to be posted to guard petitioner No.1 while she is at her residence and therefore refuses to accompany petitioner No. 1 whenever she leaves home. Furthermore, Mr Kundu submits, that not only petitioner No. 1, but also her son, petitioner No. 2, requires a PSO for his protection.
5. Mr. Sanjeev Bhandari, learned ASC (Criminal) appearing for the State refutes the submission, to say that the PSO assigned to petitioner No.1 has been reporting for duty regularly; and that since the petitioner's case was that it is petitioner No.1 who is a witness to the murder of her husband, it is *only* petitioner No.1 who requires protection.
6. Mr. Kundu, on the other hand submits, that petitioner No.1 is a widow about 50 years of age, and considering her background and education, she is unable to pursue the case against her husband's death as a witness without the constant assistance of her son; and therefore, it is both petitioner No. 1 and petitioner No. 2 who require protection by a PSO, within their home and while outside. Mr. Kundu stresses that



the threat perception of the petitioners is real since they are under constant pressure to not pursue the murder case of deceased Suraj Bhan.

7. In the circumstances of the case, this court considers it appropriate to direct respondent No.4/DCP, Dwarka (i) to ensure that the PSO assigned to petitioner No.1 reports regularly and punctually for duty, without fail; and (ii) furthermore, to issue clear instructions to the PSO that he is to ensure the safety and security *both* of petitioner No.1 and petitioner No.2 when they travel-out of their residence *together or individually*, as the case may be.
8. It is made clear that if petitioner No.1 and petitioner No.2 go out simultaneously but to different places, the PSO is to accompany petitioner No.1.
9. Mr. Bhandari undertakes that he will communicate these directions to the DCP, Dwarka *forthwith*.
10. The application is allowed and disposed-of in the above terms.

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11. In view of the directions passed in the above application, nothing further remains to be considered in the present proceedings, except to record the undertaking as offered on behalf of respondents, that in the event they propose to withdraw the PSO protection from the petitioners at any stage, they shall give to petitioner No. 1 a 15-day prior written notice, to enable the petitioners to avail such remedy as may be available, in accordance with law.
12. The present petition is disposed-of as having been satisfied in the above terms.



13. The date of 15th January 2025 fixed in the matter, stands cancelled.
14. Pending applications, if any, stand disposed of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 25, 2024/ss