

2025:PHHC:030096



105

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRWP-2105-2025
DECIDED ON: 04.03.2025**

**SIMRANPREET KAUR THROUGH HER SPA PARAMJEET KAUR
AND ANR**

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tapish Kumar Gupta, Advocate
for the petitioners.

Mr. Baljinder Singh Virk, Sr. DAG Haryana

Mr. Vedant Setia, Advocate for
respondents No.4 to 6.

SANDEEP MOUDGIL, J (ORAL)

1. This is a Criminal Writ Petition under Article 226/227 of Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents No. 1 to 3 to protect the life and liberty of the Petitioners and not to interfere in rights of petitioner No.1. i.e. Simranpreet Kaur who is having sole and legal custody of petitioner No.2 i.e. Manveerjot Singh as all decision making authority related to significant matters impacting the welfare of the minor child related to matters of education, religion and health care, etc and also minor child is residing in natural custody of his mother i.e. petitioner No. 1 and not to harass and interfere in the life of the Petitioners at the instance of respondents No.4 to 6 who have already made

statements regarding this before this Hon'ble Court in case titled as *Simranpreet Kaur V/s State of Haryana & Ors bearing CRWP No. 1529 of 2022 vide order dated 24.01.2023 (Annexure P- 6) & in case titled as Simranpreet Kaur thr. her SPA Paramjeet Kaur V/s State of Haryana & Ors bearing CRWP No. 5176 of 2023 vide order dated 07.05.2024 (Annexure P- 7)*, in the interest of justice.

2. The petitioners are residing abroad and Petitioner No.1 have filed this writ petition through Special Power of Attorney namely Paramjeet Kaur.

3. Factual matrix of the case unfolds that Petitioner no.1 got married to Respondent no.4 i.e Sarvjeet Singh on 20.11.2010 as per Sikh rights and ceremonies and they were blessed with two male children namely Ashvanjot Singh and Manveerjot Singh. However, in 2018, the couple along with their children shifted to Australia and the younger son namely Manveerjot Singh i.e Petitioner no.2 started living with his mother i.e Petitioner no.1 in Australia as she had left her marital house pertaining to constant discord with her husband and in laws and thereafter they started harassing her and threatened of her life and liberty and also with custody of petitioner no.2 who is residing in Australia with Petitioner no.1 who is having complete and absolute custody of his son i.e. Petitioner no.2.

4. Counsel for the petitioner contends that by virtue of directions passed by this Hon'ble court on the basis of mutual consent in case titled as *Simranpreet Kaur V/s State of Haryana & Ors bearing CRWP No. 1529 of 2022 vide order dated 24.01.2023 (Annexure P- 6) & in case titled as Simranpreet Kaur thr. her SPA Paramjeet Kaur V/s State of Haryana & Ors bearing CRWP No. 5176 of 2023 vide order dated*

07.05.2024 (Annexure P-7), respondent no.4 was directed to abide by the directions which are reiterated herein below:-

1. The elder son i.e Ashvanjot Singh is studying in Class-7 and will be staying in residential school Durga Public School, Solan for the session 2023-24. His classes will start with effect from 7th March 2023. So, till, 6th March 2023, the petitioner Simranpreet Kaur is free to make audio or video call to Ashvanjot Singh between 05:00 P.M to 06:00 P.M on phone No.93505-15901 for 20 minutes everyday.

2. Simranpreet Kaur is permitted to talk to Master Ashvanjot Singh on the phone number of the school between 08:30 P.M to 09:30 P.M on every Monday after 7th March 2023. She can talk for 3 or 4 minutes on these Mondays. The petitioner is free to visit master Ashvanjot Singh in the campus of Durga Public School, Solan with the prior permission of the school authorities. The Management/Principal of the Durga Public School, Solan is requested to accommodate the petitioner in this regard.

3. The respondent No.4 Saravjeet Singh is permitted to make audio/video call to Manveerjot Singh, another son, who is staying in Australia with the petitioner between 05:00 P.M to 06:00 P.M for 20 minutes everyday on phone No. +61466844594.

4. The concerned authorities/Management/Principal of Durga Public School, Solan is requested to permit respondent No.4, Saravjeet Singh to talk to master Ashvanjot Singh between 08:00 PM to 09:30 PM for 3-4 minutes on Mondays after 07.03.2023.

5. Counsel for the petitioner further contends that since now the petitioners wants to visit India I.e at the house of parents of Petitioner no.1 and maternal grandparents of petitioner no.2 who are residing at Patiala, they fear threat from respondents no. 4 to 6 and therefore prays for interim protection till the time their stay in India.

6. Heard counsel for the petitioner at length.

7. The Hon'ble Supreme Court, while dealing with the matter of ***Ramveer Upadhyay versus R.M. Srivastava and others 2013(7) Scale 564*** held as under:-

“However, in our experience, we have hardly seen any security of 'Z' or 'Y' category provided to any ordinary citizen howsoever, grave the threat perception or imminent danger may be to the person concerned. The petitioner, however, has claimed it obviously as a 'privileged class' by virtue of being an ex-minister which at times, may be justified even to an ex- minister or any other dignitary, considering the nature and function of the duties which he had discharged, which could facilitate the assessment of his threat perception even after laying down the office. But what exactly is his threat perception and whether the same is grave in nature, obviously will have to be left to be decided by the authorities including the authorities of the State or the Centre which may include even the Intelligence Bureau or any other authority concerned which is entitled to assess the threat

perception of an individual. But in so far as the Court of law is concerned, it would obviously be in a predicament to come to any conclusion as to whether the threat perception alleged by a person claiming security is grave or otherwise which would hold him entitled to the security of a greater degree, since this is clearly a question of factual nature to be dealt with by the authorities entrusted with the duty to provide security after assessing the need and genuineness of the threat to any individual.”

8. While placing reliance on the aforesaid judgment of the Hon'ble Apex Court, a Division Bench of the Allahabad High Court in the matter of ***Abhishek Tiwari versus State of U.P. and others passed in Misc. Bench No.10867 of 2021, decided on 04.08.2021*** has observed as under:-

“29. As a matter of principle, private individuals should not be given security at State cost unless there are compelling transparent reasons, which warrant such protection, especially if the threat is linked to some public or national service they have rendered and, the security should be granted to such persons until the threat abates. But, if the threat perception is not real, it would not be proper for the Government to grant security at the cost of taxpayers money and to create a privileged class. In a democratic country governed by rule of law and written Constitution providing security at State expense ought not to become an act of patronage to create a coterie of 'obliged' and 'loyal' persons. The limited public resources must be used carefully for welfare schemes and not in creating a privileged class. From a report of Bureau of Police Research and Development (BPR&D), police think tank of the Ministry of Home Affairs (MHA), more than 20,000 additional policemen than the sanctioned strength were deployed in VIP protection duty in the year 2019. As per the report, Data on Police Organizations, 2019, as many as 66,043 policemen were deployed to protect 19,467 Ministers, Members of Parliament,

Judges, Bureaucrats and other personalities and, thus number is growing up in every year.”

9. Coming to the instant petition, after hearing the counsel for the petitioner and perusing the file in hand, this court opines that by no stretch of imagination even a speck like threat exists. Since the order passed by the coordinate bench in Simranpreet Kaur (Supra) and Simranpreet Kaur through her SPA(Supra) was after mutual consent between the parties and after that apparently, no complaint exists by the petitioner against the respondent no.4 to 6 meaning thereby, her prayer in the petition is merely an apprehension of the threat for which the respondent no. 4 to 6 cannot be harassed at any cost.

10. The gravity of threat has to be real and not just based upon perceptive apprehension. Moreover, limited public resources cannot be deployed for display of eminence and as an attempt to bolster the ego of the recipient of such protection.

11. Consequently, this Court does not find any case in favour of the petitioner which may convince this Court to accept her prayer made in the instant petition for providing her police protection and resultantly, the present petition alongwith all the proceedings arising therefrom fails and the same is, thus, hereby ordered to be dismissed.

12. Dismissed being premature.

(SANDEEP MOUDGIL)
JUDGE

04.03.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>