



CRWP-4561-2025(O&M) 1

111 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRWP-4561-2025(O&M)  
Date of decision: 19.05.2025

SANJAY MALHOTRA

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Amit Dhawan, for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

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**HARPREET SINGH BRAR, J. (ORAL)**

1. The present criminal writ petition has been preferred under Article 226 of the Constitution of India seeking issuance of directions to respondents No.1 to 4 to protect life and liberty of the petitioner and his family members, as they perceive threat at the hand of anti-social elements.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is a social worker. The petitioner was threatened over calls from overseas numbers, the screenshots of which are annexed at Annexure P-4. On 28.03.2025, at about 12:54 PM, three persons were seen videographing the temple constructed by the petitioner as well as his office. The CCTV footage regarding the said incident is available at Annexure P-14. On 02.04.2025, two persons were found clicking photographs of the business premises belonging to the petitioner and were nabbed by the shopkeepers from the area. The concerned police officials were approached, who took them away for questioning. Subsequently, it was found that one of those persons was



involved in the incident from 07/08.04.2025, when a grenade was thrown at the house of a former Cabinet Minister for the State of Punjab. As such, the petitioner and his family apprehend serious threat to their life.

3. On 06.05.2025, the following order was passed:

“ *Present criminal writ petition has been filed under Article 226 of the Constitution of India seeking issuance of directions to respondents No.1 to 4 to protect the life and liberty of the petitioner and his family members and to provide adequate security to ensure that no harm is caused to them by terrorists, anti-social elements and gangsters.*

*Learned counsel for the petitioner, inter alia, contends that on 28.03.2025 at about 09.40 p.m., three suspicious and unidentified persons came outside the premises owned by the petitioner and inquired about him from the Sewadar. The petitioner was immediately informed on his mobile phone and thereafter, he checked the CCTV footage and found that three persons under suspicious circumstances came in a Hyundai I20 car bearing registration No.PB-09N-7071 at about 12.54 p.m. on 28.03.2025 and they made video of office of the petitioner and remained there for about 7-8 minutes. The entire sequence captured in the CCTV camera has been stored in a Pen Drive and a complaint in this regard was submitted on 31.03.2025 (Annexure P-15) through registered post as well as through email. It is further contended that on 02.04.2025 at about 10.49 p.m., shopkeepers of the market apprehended two unidentified persons, who were making video of the premises of the petitioner and on being confronted, they informed that they have not only videographed and captured photographs of his business premises, but also videographed certain places in Amritsar. The petitioner made a call on police helpline No.112, on which, PCR team arrived and these persons were handed over to the police officials of Police Station Divison No.3, Jalandhar and were released after three hours, although they were not giving satisfactory reply. The petitioner, thereafter, learnt that out of those persons, handed over to the police on 02.04.2025, have thrown a hand grenade in the intervening night of 07/08.04.2025 at the house of former Cabinet Minister of the State of Punjab, situated at Street No.4, Central Town, Jalandhar. The same accused done recce of the business premises of the petitioner. As such, the petitioner apprehends that he could be the target of the grenade attack.*

*Learned State counsel appears on advance notice and submits that this is second petition. On an earlier occasion, the petitioner filed a petition i.e. CRWP-2770-2023 on the similar grounds and the same was dismissed as withdrawn on 14.05.2024. Prior to withdrawing the said petition, three status reports (Annexures P-9 to P-11) were filed and on all three occasions, from the year 2023 onwards, threat perception of the petitioner was dispassionately examined and it was concluded that the petitioner does not have any threat from any anti-social elements or gangsters. As such, the petitioner is in the habit of filing frivolous petitions only to get security. Providing security is the sole responsibility and domain of the police authorities. It is further submitted that veracity of the averments made by the petitioner in the representation dated 23.04.2025 (Annexure P-23) would be examined and status report would be filed on or before the next date of hearing.*

*Learned counsel for the petitioner submits that to show his bonafide, the petitioner is ready to deposit an amount of Rs.2.00 lakhs.*



*In view of the above, Commissioner of Police, Jalandhar is directed to dispassionately examine the veracity of the averments made by the petitioner in the representation dated 23.04.2025 (Annexure P-23) from an IPS Officer and in case, the same are found correct, necessary steps be taken to provide security to the petitioner and if the averments made in the representation dated 23.04.2025 (Annexure P-23) are found to be bereft of any substance and concocted, necessary action be taken against him.*

*Adjourned to 19.05.2025.*

*The petitioner is directed to deposit an amount of Rs.2.00 lakhs by way of demand draft with the District Legal Services Authority, Jalandhar within a period of 03 days from today and to produce the receipt thereof before this Court on the date fixed.*

*In case the averments made in the representation dated 23.04.2025 (Annexure P-23) are found to be false and concocted, the aforesaid amount of Rs.2.00 lakhs would be forfeited to the State.”*

4. In pursuance of the same, learned State counsel submits an affidavit dated 18.05.2025 of Dhanpreet Kaur IPS, Commissioner of Police, Jalandhar. He further contends that this is the fourth time the alleged threat perception has been analysed and yet again, no evidence qua the existence of the same was found. Moreover, in the present case, not just a status report was called but an inquiry was duly conducted by Akarshi Jain, IPS, Additional Deputy Commissioner of Police-I, Jalandhar, which the petitioner refused to join.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the veracity of the narrative put forth by the petitioner was assessed by an IPS Officer. However, not only did the petitioner refuse to join the inquiry, he also refused to provide the CCTV footage. Moreover, he demanded transfer of investigation vide a statement dated 15.05.2025 (Annexure R-3) shared with the police authorities, laying unsubstantiated allegations of partiality on the inquiry officer.

6. Further still, the car that was allegedly roaming outside the premises of the petitioner, currently belongs to Akasdeep, whose brother Vikasdeep and one Gurpartap Singh had used the same on the day of the alleged incident to enquire about a P.G. from the shopkeepers around the area.



Moreover, the persons videographing the area were in fact conducting Cleanliness Survey 2024 under Swachh Bharat Mission. As far as the incident pertaining to the grenade is concerned, FIR No.27 dated 08.04.2025 was registered at Police Station Division No.3, Jalandhar. However, nothing connecting the same to the persons allegedly roaming around the premises of the petitioner, came to the fore. The reply dated 18.05.2025 clearly indicates that the petitioner and his family are under not perceivable threat and the present petition has been used merely as a ploy to get security.

7. Previously as well, the petitioner had filed for protection by means of CRWP No.2270 of 2023. In pursuance of the claims made by the petitioner, a Co-ordinate bench of this Court sought a status report dated 26.05.2023 (Annexure P-9) and it was concluded that no evidence of any threat exists. The relevant part of the same is reproduced below:

“3. *That in compliance of the above said order, passed by this Hon'ble Court, a fresh assessment of threat perception in respect of petitioner has been carried out by the office of Additional Director General of Police, Security, Punjab, as per the guidelines prescribed in the State Security Policy-2013 in accordance thereof, fresh threat perception reports have been obtained from the concerned quarters.*

4. *That an objective appraisal of the aforementioned threat perception reports were obtained from the concerned quarters. The State Intelligence, Punjab has stated that the petitioner is running an NGO by the name of Social Justice Force and he is dealer in Automobile Batteries. **Further according to the field unit report and office record, at present there is no specific threat input indicating any threat to his security from any terrorist/militant/gangster outfits operating in the country.** The Commissioner of Police, Jalandhar has further mentioned that the petitioner is President of Hindu Dharam Raksha Morcha, Jalandhar and the petitioner has constructed a temple on a common Plot No. 5 as well as a Satsang House for the purpose of religious preaching. According to the statement given by the petitioner, that on different dates, he and his brother received threats from International mobile numbers. But no evidence has come to notice, nor is there any message regarding the threats. Apart from this, the petitioner stated that two unknown suspects entered his shop and left after staying for about 1 minute. But this does not provide any evidence that they had threatened to harm or kill him. **No evidence of any threat has come to light regarding the application given by the applicant with regard to provision of security. The petitioner has licesened arms for his***



**defence, i.e. one .315 bore rifle and a licensed revolver 32 bore. The petitioner has been provided with the official phone number of the concerned police station, so that in any eventuality he can contact the concerned police station promptly.** Apart from this, regular police patrolling is done by the PCR in the area around the residence of the petitioner. In view of the above, **it is not recommended to provide any gunman to the petitioner i.e. Sanjay Malhotra.**” (emphasis added)

Further still, DSP, Security Punjab, Chandigarh had also filed a status report dated 19.10.2023 (Annexure P-10) wherein it was inferred that personal security cover is not warranted. Another status report dated 29.01.2024 (Annexure P-11) was filed by the Assistant Commissioner of Police, Model Town, Jalandhar highlighting that after an objective assessment in terms of State Security Policy 2013, the petitioner ought not to be granted personal security cover at State expenses. Ultimately, the said writ petition (CRWP No.2270 of 2023) was dismissed as withdrawn vide order dated 14.05.2024 (Annexure P-12).

8. In a society that values equality, access to public services, including law enforcement, must be based on need and risk. The police is a large professional force, trained and maintained using the taxpayers’ rupee for the protection of the citizens and maintenance of law and order. A Standard Operating Procedure dated 30.05.2024 for grant of police protection in response to threat perception, has been duly issued by the State of Punjab, in terms of the judgment rendered by the Hon’ble Supreme Court in ***Abhay Singh vs. State of U.P. and others (2013) 15 SCC 435*** and this Court in ***Om Prakash Soni vs. State of Punjab and others 2022 SCC OnLine 2028***. Repeatedly engaging State resources to inquire into imaginary threats, merely to use police protection as a status symbol and inflate one’s ego, especially when the case of the applicant does not meet the requirements laid down by the applicable policy, is not just wasteful but also deeply troubling. Further still, such frivolous requests redirect resources away from cases where



intervention is genuinely warranted.

9. Sadly, it appears that the petitioner is under the misconception that he can dictate the functioning of law enforcement agencies purely based on his whims and fancies. The threat perception has been assessed over and over again by the good offices of Additional Director General of Police, Security, Punjab and State Intelligence, Punjab along with Additional Deputy Commissioner of Police, who is an IPS officer, in the present case. In spite of the fact that sufficient resources have been put to use to verify existence of any threat to the petitioner or his family, he continues to endeavour to create a scenario where he is portrayed as a target of an imminent attack by dreaded gangsters and terrorist organizations.

10. Much to the chagrin of this Court, the petitioner instigated an entire inquiry but refused to participate in it. Such conduct causes great vexation to not only this Court, which already has significant pendency, but also the police personnel engaged specifically for this purpose. The reply dated 18.05.2025 indicates that a thorough inquiry has been conducted by duly recording statements of the witnesses and suspicious persons. Therefore, the request made by the petitioner to transfer the inquiry only highlights his intention to sensationalise the matter, more so since there is absolutely no material that would buttress his case for need for protection. This approach is unbecoming of a respectable citizen and must be unequivocally depreciated. In no uncertain terms, this Court expresses its utter dismay at the irresponsible attitude displayed by the petitioner, who is also advised to exercise utmost caution before indulging in such performance again.

11. Accordingly, the present petition is dismissed. However, the sum of Rs.2,00,000/- deposited by the petitioner in terms of order dated 06.05.2025, is ordered to be forfeited to District Legal Services Authority,

Jalandhar.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

May 19, 2025

Ajay Goswami

(HARPREET SINGH BRAR)  
JUDGE

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|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |