

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

107

CWP-27771-2024

Date of Decision : March 17, 2025

KABIR SHARMA

-PETITIONER

V/S

UNION OF INDIA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajiv Kataria, Advocate
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Ms./Mrs. Saigeeta Srivastava, Advocate
for the respondent No.1.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. The prayer enclosed in the instant writ petition appertains to issuance of directions upon the respondent(s), to take appropriate action on the basis of complaint regarding receipt of international threats by the petitioner's brother Sunir Sharma, and, also to provide necessary security to Sunir Sharma and his family members.

2. Consequent upon issuance of notice upon the instant writ petition, the learned State counsel filed the status report dated 07.12.2024. It was disclosed in the status report that, the allegations of receipt of threat calls from international Whatsapp mobile number by the petitioner's brother Sunir Sharma were enquired into and after evaluating the threat perception, two police personnel namely Constable Ankit Ram No.1632 and Constable Arshdeep Singh No.365 were deployed with Sunir Sharma

for his security. Moreover, a specific advisory was also given to Sunir Sharma by the S.H.O., P.S. Sultanwind, to inform the local police as and when he comes to the land in question, so that he could be provided adequate security. Not only this, directions were also issued to the S.H.O., P.S. Majitha Road, Amritsar, to ensure protection of the petitioner and his brother Sunir Sharma, at their residential address, through area security.

3. Today, the learned counsel for the petitioner has filed a response affidavit to the status report (supra), which is taken on record. The response affidavit encapsulates the dissatisfaction of the petitioner with regard to the ongoing investigation, as launched in respect of the FIR registered at his behest.

4. The learned State counsel has also filed the additional affidavit of Parvesh Chopra, PPS, Assistant Commissioner of Police, South, Amritsar, which is also taken on record. The additional affidavit speaks about the ongoing investigation as well as about the security provided to the petitioner. The gist of the additional affidavit is that, there is no specific threat input indicating any threat to the petitioner and his brother Sunir Sharma from any terrorist/militant/gangster outfits operating in the country, and that, two PSO have already been deployed with them, on temporary basis, for their security.

4. The relevant paragraphs of the additional affidavit (supra), which carry significant narrations in the above regard, are reproduced hereunder:-

“5. That the Special Director General of Police, Internal Security, Punjab, vide his report dated 27.02.2025, has reported that the petitioner is associated with BJP. According to the field

unit reports and the 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.

6. That the Additional Director General of Police, Anti Gangster Task Force, Punjab, vide his report dated 28.02.2025, has reported that there is no specific technical/human intelligence available with AGTF as on date to the petitioner.

7. That the Commissioner of Police, Amritsar, vide his report dated 07.03.2025, has reported that as per the report received of the inquiry officer, during inquiry, the statement of the petitioner has been recorded. He stated in his statement that he along with his brother Sunir Sharma indulges in joint business of Out Door Media Company, Golden Apple Advisor and Emy Star Builders and Developers. He and his brother Sunir Sharma have carved out a colony namely Golden Empire at Golden Gate, Amritsar. They are getting its development done. Therefore, they have dispute with Kulwinder Singh, Jaswinder Singh residents of Hoshiarpur. He has got registered FIR No. 172 dated 14.12.2022, u/s 452, 427, 506, 148, 149 IPC, P.S. Sultanwind in this respect and has got initiated preventive proceedings under Section 107/151 Cr.P.C. on 13.12.2022 against them at police Station Sultanwind. On 13.09.2024, his brother Sunir Sharma received a phone on his WhatsApp from phone number +4479784070279, and the caller told that he was Harwinder Singh Rinda and the colony which they were carving out, that is ownership of his relatives, you should stop development of the colony otherwise he would kill then and they had given application dated 29.10.2024 and dated 25.09.2024, in this regard. The enquiry thereof was conducted by ACP/Crime, Amritsar and Police Station Sultanwind, Amritsar and writ petition CWP No. 27771 of 2024 was filed in the Hon'ble Punjab and Haryana High Court, Chandigarh, by the petitioner. Thereupon, on dated 26.10.2024, the Senior Officers have deployed 02 PSOs along with weapon with his brother Sunir Sharma, who perform security duty with his brother and besides, 02 private guards have been hired for personal security, who are also having their respective private

weapons and he has not got registered any new FIR or DDR with regard to receiving threats. As 02 police officials are already deployed with the petitioner Kabir Sharma and his brother Sunir Sharma for security and they also have their private security therefore it is not recommendation to provide more security officials to them.

8. That the Government of India, Ministry of Home Affairs, (IS-I Division, VIP Security Unit) New Delhi, vide report dated 08.11.2024, has reported that Sunir Sharma brother of the petitioner Kabir Sharma is having threat from foreign based bad element Harwinder Singh @ Rinda who has contacted one Daman R/o Gurdaspur, Punjab presently residing in Texas, USA to use his contents in Amritsar to eliminate Shri Sunir Sharma. Therefore, State Government of Punjab, was requested to ensure appropriate protection for Shri Kabir Sharma and his brother Sunir Sharma, to prevent any untoward incident.

9. That it is submitted that the norms and guidelines for providing security to individual protectees have been laid down under State Security Policy, duly notified by the Government of Punjab. The Security Policy stipulates that "Police officers are recruited, trained and maintained at a huge cost borne by the taxpayer, and are, therefore, meant to be deployed for the protection of the community. Providing police officers to individuals for their protection at the cost of the taxpayer is not the function of the State or the Government", and that "personal protection at State expense was always meant to be an exception, and not the rule". Further the 'Yellow Book' issued by the Ministry of Home Affairs, New Delhi, has laid down guidelines for making security arrangements for the protection of the individuals. The procedure qua review of Security is also mentioned in the aforesaid norms. State Security Policy prescribes regular security reviews in order to increase or decrease security deployment on the basis of current threat perception."

5. In view of the above, since adequate security has already been provided to the petitioner and his brother Sunir Sharma, therefore, at

this stage, the asked for direction is not required to be passed upon the official respondent(s). However, the official respondent(s) are directed to make a periodic review of petitioner’s and his brother’s security as per the norms embodied in the State Security Police, and, in the S.O.P. prepared by the D.G.P., Punjab, for providing security to private individuals.

6. Disposed of accordingly.

March 17, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No