



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

305

CRWP-12497-2024 (O&M)
Date of decision : 04.03.2025

Devinder Rajput**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Petitioner in person along with Mr. Gagandeep Goel, Advocate.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Satya Pal Jain, Assistant Solicitor General of India with
Ms. Sangeet Srivastava, Advocate
for respondent No. 2-UOI. (Through VC)

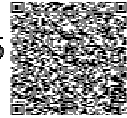
MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India for issuing direction to the respondents to protect the life and liberty of the petitioner by providing him at least 04 gunmen of IRB/Commondo round the clock or his security be enhanced to 'X' category.

2. Before proceeding further, it would be relevant to mention that a similar petition bearing number CRWP-2772-2024, filed by the petitioner, had been dismissed by this Court on 10.09.2024 by passing a detailed order. The operative part of the said order reads as under :

“8. As per claim of the petitioner, he is a practising lawyer in District Patiala and he is also a member of the Bar of this Court. He had contested Punjab assembly elections in the year 2022 and also the Lok Sabha elections this year. He has mentioned an incident of attack upon him, which took place on

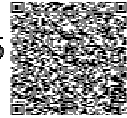
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10.09.2022, when he was coming to Chandigarh in his car. He has alleged some instances of recce being done at his house in Patiala and receiving of some ransom calls. As per petitioner, since he had made certain remarks against an extremist, who is active in Punjab, he was facing threat to his life and liberty. Even two shots were fired upon him and his car was vandalised due to aforesaid reasons. With regard to aforesaid incidents, he had got registered aforesaid two FIRs at the local police station. As reflected from the record, though as per respondent-State, no threat was found to the petitioner but still as an interim measure, the petitioner has been provided 24x7 hours security cover as two police officers of the rank of Assistant Sub Inspector, along with advance arms and ammunition, have been deputed with him in order to protect his life and liberty. However, still the petitioner is demanding a Gypsy escort having at least 05 Gunmen IRB/Commando for his protection. The question that arises before this Court for consideration is as to whether there is/was any real threat to the life and liberty of the petitioner to the extent, which warranted the State-authorities to provide him personal security round the clock along with an escort gypsy?

9. A perusal of the record shows that the respondent-State has filed reply dated 09.07.2024, which is on record. In reply, it is submitted that a letter dated 30.04.2024 was received from the Ministry of Home Affairs in the office of the Superintendent of Police, Patiala, which was marked to Superintendent of Police, City Patiala to assess the threat perception to the petitioner. Thereafter, a detailed and thorough enquiry was conducted in the matter and it was

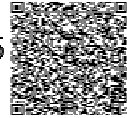
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found that no threat was received by the petitioner. However, still, two police officials were deputed for the safety of the petitioner on temporary basis, subject to review as per provisions of the State Security Policy, 2013. During enquiry, it was also found that the petitioner was involved in three FIRs but as per replication filed by the petitioner, he stood discharged in FIR No. 13 dated 14.01.2023, registered under Sections 420, 468, 471 and 120-B of IPC at Police Station Chanakyapuri, New Delhi.

10. It would be relevant to mention here that in our country, a large number of persons are being provided personal security, including the President, Vice-President, the Prime Minister, Union Ministers, State Chief Ministers and Judges of the Supreme Court and High Courts and several other dignitaries, who have been provided with positional/statutory security cover to facilitate impartial decision-making process. Undoubtedly, the degree of threat varies from individual to individual, depending on the factors such as the nature of activities, status and activities, the persons are indulged in. There could not be any dispute about the security for the aforementioned dignitaries, who hold offices of high repute and represent core functioning of the nation. Thus, as a matter of practice, the threat perception is assessed on the basis of threats received from terrorist groups, militants, extremist, fundamentalists or organized criminal gangs for some work done by the person(s) in their public life and in the interest of nation and public at large. However, on a bare perusal of the entire petition, it is revealed that the petitioner has nowhere mentioned as to from which person,

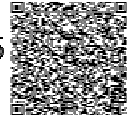
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gangster or terrorist, he has been receiving threat to his life and liberty and as to why because he was not the only person, who had contested the aforesaid elections in the State of Punjab or had made any statement against any extremist. Except for an incident, which had happened on 10.09.2022, when he was travelling to Chandigarh in his car and was allegedly stopped and attacked by some unknown assailants and that his car was vandalised by some unknown persons, there is nothing on record to support the claim of the petitioner for providing him security as sought by him. So far as the plea of the petitioner regarding receiving ransom and threat calls from unknown persons on his Whatsapp number is concerned, again this allegation lacks specificity. On a perusal of Annexure P-3, which is copy of the complaint given by the petitioner to Cyber Crime with regard to threat calls received by him, it is revealed that he had mentioned some mobile numbers, from which he had allegedly received threat calls, and that some terrorists had entered into his house and had written some pro-terrorism slogans on the flex board. Obviously, these claims needed a thorough assessment by the authorities concerned and as per reply filed by the respondents, during enquiry conducted by the police authorities, these allegations were taken into consideration and it was concluded that no threat perception was found to the petitioner.

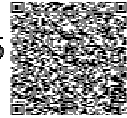
11. In a country, like ours, governed by the rule of law and democratic polity, a class of privileged persons should not be created by the State. The State cannot be seen as creating a privileged class in the society as it would amount to abdication of the very

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principle of justice and equality enshrined in the preamble of the Constitution. In ***M.A. Khan Chaman Vs. State of U.P., 2004 SCC Online All 373***, it was observed that on flimsy grounds, people exercise undue influence and manage to secure gunners and security at State expenses and at taxpayers cost. In fact, acquiring a gunner has begun to be treated as a status symbol. This practice must be brought to an end. In ***Hazi Rais Vs. State of U.P. and others, 2006 SCC OnLine All 621***, it was observed that undoubtedly, need to provide security to every individual/citizen by the State is imperative. The State is under obligation to protect the life, liberty and property of its citizens and any apathy in the matter is to be ridiculed. It was also observed that the demand for security was not as much for the personal security but had ripened into a status symbol and is enjoyed not as cathedral but as casino and, therefore, it would be the duty of the high powered committed to review the security arrangements in a most objective, bona fide and honest manner. In ***Rajinder Saini Vs. State of Punjab and others***, CWP-19453-2015, decided on 16.09.2015 by this Court, it was observed that the politicians and holders of party offices just to show their might were seeking security and, the same could not be provided merely on asking. If there is actual threat then only concerned authority can consider the case and make recommendation to the Government at their own level for providing security. What exactly is threat perception and whether it is grave in nature, obviously will have to be left to be decided by the concerned authority. The Court cannot determine as to whether the petitioner

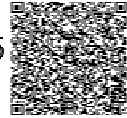
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has any threat perception and requires security urgently.

12. As a matter of principle, private individuals should not be given security at the expenses of State, until and unless it is found by the competent authority that there were compelling circumstances, which warrant such protection, especially if the threat is linked to some public or national service such persons 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. The limited public resources must be used carefully for welfare schemes and not in creating a privileged class. Punjab, a strategically important border state in northern India, shares a significant boundary with Pakistan, which has led to a range of complex challenges to it. The proximity to the international border has unfortunately subjected Punjab to various illegal activities, including drug and arms smuggling. The smuggling networks exploit the border's vast and often challenging terrain, contributing to an influx of narcotics and weaponry that exacerbate local law enforcement issues and social problems. This situation has strained the state's resources, prompting heightened security measures and ongoing efforts to curb these threats, while also addressing the broader socio-economic impacts on the region's communities. In order to curb these issues, the State needs the services of its police officials/officers at its best for the betterment of its people and for maintaining law and order. The role of the state police is

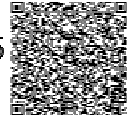
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fundamentally centered on maintaining peace, law, and order within society, ensuring the safety and security of the public at large. It is not the responsibility of the police to provide personal security to individuals, including those who may be ambitious or prominent, unless there is a credible threat to their safety. Public resources like law enforcement must be allocated judiciously, focusing on the overall welfare and protection of society, rather than being diverted for the personal security of individuals with specific agendas. When personal security is required, it should typically be arranged through private means unless the individual in question is facing verifiable, extraordinary threats that warrant state protection in accordance with legal guidelines.

13. As observed in ***Rajinder Saini***'s case (supra), this Court, while exercising writ jurisdiction under Article 226 of the Constitution of India, cannot substitute its decision to the decision of the competent authority in respect of threat perception of the petitioner to his life and liberty or that of his family members. In ***N. Jothi vs. The Home Secretary, Government of Tamil Nadu (2006)***, Madrash High Court, while deciding the case of a Rajya Sabha member from Tamil Nadu, whose security was withdrawn on the basis of threat perception assessed by the State Level Security Committee, held that the High Court is not expected to sit in appeal over the decision taken by the High Level Committee and decide to what level security a person should enjoy. Whether there is a threat perception to the applicant or not is to be decided by the competent authority and these are the questions

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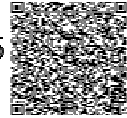
to be left to the decision making process of the authorities constituted for this purpose. In instant case, during enquiry conducted by the police authority, it has been found that the petitioner does not face any real threat to his life or liberty. It seems that he has been asking for security as authority of symbol to flaunt his status as a VIP. Otherwise, despite being provided with two police officers of the rank of Assistant Sub Inspector, who are armed with advance type of arms and ammunition and providing him security round the clock, there was no reason for the petitioner to demand an escort gypsy with at least 05 gunmen IRB/Commando. More so, the petitioner, who as per his own submissions seems to be person of high means, is always at liberty to engage private security personnel at his own expenses.

14. Accordingly, in view of the discussion so made, this Court is of the considered opinion that the present petition is devoid of any merit. Hence, the same is dismissed. Since it is the stand of the respondent-authorities that there is no threat perception to the petitioner, they will be at liberty to withdraw the security already provided to the petitioner.

15. The Registry of this Court is directed to send a copy of this order to Senior Superintendent of Police, Patiala for information and necessary action.”

3. A perusal of the present petition reveals that the petitioner has mentioned as many as 49 incidents, when he received threats to his life and liberty from different corners either through some Whatsapp calls or through emails. It is also the claim of the petitioner that ransom was demanded from

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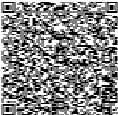


him. Out of these 49 alleged incidents, 39 incidents are admittedly prior to dismissal of his first petition and have already been looked into by this Court. So far as the next 10 alleged incidents are concerned, they are again similar to earlier so called incidents. The earlier petition has been dismissed by this Court by considering all the facts and circumstances as enumerated by the petitioner.

4. Short reply has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that earlier also, an identical petition, filed by the petitioner, has been dismissed by this Court by giving liberty to official respondents to withdraw the security already provided to him, in case it is found that the same was not required. Nonetheless, the petitioner has been provided a gunman along with Assault AK-47 with two magazines having 50 cartridges each. It is further submitted that the petitioner has got registered an FIR bearing No. 52 dated 13.04.2023, under Sections 323, 341 and 506 of IPC, whereas three FIRs under the different provisions of IPC have been registered against him. Apart from providing a gunman, a patrolling vehicle, PCR and upgraded KIA Carens vehicle have already been deputed near the house of the petitioner. However, he is still insisting to provide him at least 04 gunmen of IRB/Commando or upgrade his security to 'X' level. At present, there is no threat perception to the petitioner and no security is required to be given to him. It is, thus, urged that there is no merit in the petition and the same is liable to be dismissed.

5. It is not disputed by the petitioner, who has appeared in person, as well as his counsel that the petitioner has presently been provided with a gunman by respondent No. 1. The petitioner's counsel has submitted that the

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threat perception still prevails as only recently a case bearing FIR No. 0030 dated 19.02.2025 has been registered under Sections 111 and 112 of BNS, 2023 and Sections 25(7) and 25(8) of the Arms Act at Police Station Kotwali Patiala and some members of Lawrence Bishnoi Gang, which is a gang of notorious gangsters, have been picked up just from the front of the premises of the petitioner and in fact, it was on the oral complaint of the petitioner that the aforementioned FIR had been lodged, though in the name of some police official. Learned State counsel has not controverted this fact, on receipt of instructions from the police official, who is present in Court. Since one gunman has already been provided to the petitioner in order to protect his life and liberty, which he has claimed to be in danger and since as per stand taken by the respondent-State, a patrolling vehicle, PCR and upgraded KIA Carens vehicle have already been deputed near the house of the petitioner, therefore, the present petition is disposed of leaving it open for the respondents-authorities to assess the threat perception to the petitioner from time to time and to provide him individual security or withdraw the same, based on their assessment.

04.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No