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

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CRWP-12363-2024 (O&M)
Date of decision : 21.05.2025

Budhi Raj Singh**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

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 respondents No. 1 to 4 to provide adequate security and protection to the life and liberty of the petitioner and his family members.

2. Learned counsel for the petitioner has submitted that initially, the father of the petitioner was attacked by one Surjit Singh and Dalbir Singh on 26.11.1997, when his car was intercepted by them and a number of bullets were fired. In this regard, an FIR bearing No. 195 dated 26.11.1997 was registered against said persons under Sections 307 and 34 of IPC and the accused persons were convicted to undergo rigorous imprisonment for 04 years. After the incident of 26.11.1997, the father of the petitioner was provided security by the Punjab Police. However, later on, the same was withdrawn. Thereafter, on 19.05.2002, he was again attacked and murdered along with five other persons. FIR was registered. Accused persons faced trial and were convicted under Section 302 of IPC. It is further submitted that the

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petitioner, who was working as Additional Deputy Commissioner, Jalandhar, and his mother have also been receiving threats since long. Keeping in view apparent threats, the petitioner and his family members were provided four gunmen in the year 2002. It was subsequently reduced to one gunman. The accused persons, namely Dalbir Singh, Inderjit Singh Kohli and Jasbir Singh, have come out and are roaming free in the village. However, the only gunman provided to the petitioner has been withdrawn by the respondents on 14.11.2024. The petitioner had filed a similar petition bearing CRWP-11275-2023 and during the pendency of the said petition, the respondents had restored security of the petitioner but after the disposal of the petition on 04.07.2024, the security was withdrawn on 14.11.2024 without there being any reason. It is further submitted that there is serious threat to the life and liberty petitioner and his family members. Hence, in order to protect their life and liberty as guaranteed under Article 21 of the Constitution of India, the respondents may be directed to restore the security as earlier provided to him.

3. Reply has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner and his family had been provided security since the year 2002 but the same has been withdrawn in November, 2024 after meticulous assessment and without any *mala fide* intent. Even otherwise, the petitioner has already been provided security in his official capacity and there is no need to provide him any further security personnel.

4. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.

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5. The petitioner, who is presently posted as Additional Deputy Commissioner, Jalandhar, is seeking indulgence of this Court for providing him adequate security by claiming that he and his family are having eminent threat to their life and liberty at the hands of some convicts, who had murdered his father along with six other persons in the year 2002. The petitioner had earlier been provided additional security, which was subsequently reduced and then totally withdrawn. The same was again restored when a petition came to be filed by the petitioner before this Court but now it is an admitted position that the security so provided has again been withdrawn in November, 2024. A perusal of the reply filed by the respondent-State reveals that it is not categorically denied that the petitioner or his family members are not having any threat to their life and liberty. Rather, the stand taken by them is that now the petitioner and his family members have shifted to some other place other than the village, where they used to reside and where the convicts are based at. It is also the stand of the respondents that the petitioner has already been provided with security personnel in his official capacity. However, it is an admitted position that the petitioner is going to retire in June this year. In that eventuality, the security provided to him in his official capacity would obviously be withdrawn. Hence, keeping in view the fact that some of the convicts are out of jail and the petitioner and his family is feeling threats from him, it would be appropriate to provide them security in order to protect their life and liberty. In view thereof, the present petition is disposed of with a direction to the respondents-authorities that they shall provide adequate security to the petitioner and his family by deputing a security personnel from the date on which he retires from his services. The

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respondents-authorities shall assess the threat perception to the petitioner and his family after every six months and in case there are instances that the same is no more required or there is no more threat to the petitioner or his family, they will be at liberty to take appropriate decision in the matter regarding withdrawal of the personal security so provided.

21.05.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No