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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2038/2025, CRL.M.A. 19042/2025 & CRL.M.A. 19043/2025

ONKAR SHARMA

.....Petitioner

Through: Petitioner in person (through VC)

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr. Amit Tiwari, CGSC with Ms. Ayushi Srivastava, Mr. Ayush Tanwar, Advocates for UOI
Mr. Ashish K. Dixit, CGSC with Mr. Shivam Tiwari, Ms. Urmila Sharma, Advocates for UOI
Mr. Manish Kumar, Mr. Kumar Saurav, Advocates for State of Bihar

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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09.07.2025

1. Mr. Onkar Sharma, appearing in person *via* video conferencing, seeks a direction to the Respondents for deputing a bodyguard during his proposed visit to his native place in Patna, Bihar.
2. Mr. Sharma submits that the Respondents' refusal to provide him a bodyguard, despite what he claims to be a standing order from this Court and the Bihar Home Department, is arbitrary and unjustified. He emphasizes that he is a senior citizen, retired from Punjab National Bank, and has faced persistent threats to his life from individuals allegedly involved in the murder of his father-in-law and an SHO of P.S. Jehanabad, Bihar. He recalls



that at the time of these incidents, he was still a student and was deeply traumatized. He points out that, in the past, he was consistently provided with a bodyguard during his short visits to Patna. However, on his last two visits, he was denied such security. Despite addressing representations to the Senior Superintendent of Police, Patna, the Resident Commissioner of Bihar in Delhi, and the DGP, Bihar, he did not receive any assistance. In particular, during his most recent visit on 6th May, 2025, the absence of a bodyguard compelled him to return midway without completing his intended work.

3. Reiterating the continuing threat to his life and highlighting the State authorities' failure to conclude investigations into the murders mentioned, Mr. Sharma insists that his request for security coverage is genuine and deserves to be acceded to. Accordingly, he makes the following prayers:

- “1. Direct the respondents to depute a bodyguard as usual during the petitioner's short visit to his native place in Patna, Bihar.
2. Direct the respondents to depute a Police Officer to record the petitioner's statement as already directed by the Home Department, Bihar.”

4. This Court has carefully considered Mr. Sharma's submissions as well as the response from the State authorities. It is noted that by an order dated 20th February, 2013 passed in W.P.(CRL) 1072/2012, this Court had issued certain directions concerning Mr. Sharma's request for security, observing inter alia:

“By this petition under Section 482 Cr.P.C. petitioner seeks direction to direct respondent No.1 to provide security and police assistance to petitioner and also to direct respondent No.2 to solve three unsolved murder cases instituted in Bihar with the help of petitioner.

Arguing the present petition, counsel for the petitioner submits that father in law of the petitioner was murdered in the year 1983 within the jurisdiction of PS Jehanabad, Bihar a day before the engagement of his



elder daughter with the petitioner. Counsel further submits that later SHO PS Jehanabad was murdered. Counsel also submits that one distant relative Prof.B.B.Sharma was also murdered within the jurisdiction of P.S.Pusa, Samastipur, Bihar. As alleged, the petitioner knows the name of the culprits but has not been able to disclose the same because of threat to his life. Counsel also submits that the petitioner has relevant information as to who all were involved in the said three murders but nobody approached the petitioner, either from Home Ministry or from the State Govt.to collect the requisite information from the petitioner. Counsel also submits that petitioner should be provided sufficient security and police assistance so that the petitioner can freely move around in Bihar and assist the Court of Bihar with the information secured by him.

I have heard counsel for the parties.

During the course of arguments counsel for the petitioner stated that petitioner is presently employed in Punjab National Bank as Manager and therefore is residing at Delhi, though his native place is Bihar. This court wonders that without giving any specific details of the three cases of murder, which had taken place many years ago, the petitioner urges to be provided with police protection so as to effectively help in the investigation of these three cases. Had the petitioner been aware of any information about the role persons who were involved in the alleged murder cases then it was his lawful duty to have disclosed the requisite information to the police or to the other concerned persons instead of waiting for such a long period and hide the same. Nothing prevents the petitioner now as well to approach the Resident Commissioner, Bihar who is posted in Delhi to share the information and specific details of the criminal cases involving three murders. So far the issue of providing security to the petitioner is concerned the matter can be examined at the end of Home Ministry. Therefore, it is directed that Home Ministry shall treat the present petition filed by the petitioner as his representation and then take appropriate decision keeping into account, any perception of threat warranting any kind of grant of security to the petitioner. The decision shall be taken by respondent No.1 within two months from the date of this order and after the decision is taken the same shall be duly communicated to the petitioner.

With the above direction the present petition is disposed of.

Dasti."

5. Before proceeding further, it is important to clarify that the order dated 20th February, 2013 does not, in fact, support the Petitioner's present claim. A careful reading of the said order reveals that it did not confer any absolute or continuing entitlement to security cover. Rather, this Court had



merely directed the Home Ministry to treat the earlier petition as a representation and to undertake an independent, periodic assessment of the Petitioner's threat perception before arriving at an appropriate decision. The Court had consciously left it to the competent State authorities to evaluate the security environment, the nature of the threat, and any change in circumstances over time. Significantly, the order also implied that the provision of security could not be viewed as a static or indefinite arrangement, but was subject to review based on evolving ground realities and periodic reassessment of risk. Thus, reliance on this order to assert a perpetual or unconditional right to security is wholly misconceived and untenable. It is not open to the Petitioner to selectively rely on past orders while disregarding the dynamic and context-dependent nature of threat assessments, which fall squarely within the domain of the State's executive discretion and expertise.

6. Moreover, it is significant that more than a decade has elapsed since the aforesaid order. As per the record, Mr. Sharma's recent application to the Home Department of Bihar was duly considered by the Committee chaired by the Inspector General of Police (Security), Patna. Upon evaluation of the overall circumstances and verifying the authenticity of the perceived threat, the Committee found no cogent reason to accede to the request for security cover. The Respondents emphasize that in the absence of any recent or concrete threat inputs, and given the substantial time elapsed since the alleged incidents, no ground exists to justify deploying a bodyguard at this stage.

7. It must be reiterated that the assessment of threat perception and the decision to provide security fall within the exclusive domain of the State



Government. The mere fact that the Petitioner may have previously been provided a bodyguard on isolated occasions, or that an order was passed by this Court years ago directing consideration of his representation, cannot by itself be a continuing mandate for providing security indefinitely. In fact, the Petitioner has himself admitted that for the last two visits, no bodyguard was provided, a fact which demonstrates that no enduring entitlement can be claimed as a matter of right.

8. In the present circumstances, this Court finds no exceptional grounds or material warranting interference in the decision taken by the State authorities. The request, thus, does not merit acceptance.

9. Accordingly, the present petition, along with all pending applications, stands dismissed.

SANJEEV NARULA, J

JULY 9, 2025/d.negi