

TIKSHAN SOOD V/S STATE OF PUNJAB AND OTHERS

Present : Mr. Krishan Singh Dadwal, Advocate for the petitioner.

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Article 226 of the Constitution of India for directing respondents No.2 to 5 to assess the threat perception to the petitioner as well as his family members and protect their life, liberty and property and provide permanent security cover required to be granted round-the-clock to the petitioner and his family members.

Learned Counsel for the petitioner has submitted that the petitioner is a Senior BJP Leader who remained Member of Legislative Assembly from Hoshiarpur Constituency from 1997 to 2012 and was appointed as Cabinet Minister twice and as Political Adviser to Chief Minister, Punjab from 2013 to 2017 and is also a Member of Punjab BJP Core Committee. The petitioner never intended to make nor made any statement hurting the feelings of the protesting farmers but the political opponents twisted his statement attributing to him statement that the protesters having no knowledge of the laws in questions were going to Delhi for picnic. Threats are being extended to the petitioner under the conviction that the petitioner is not supporting the on-going Kisan agitation. On 01.01.2021, Ranvir Singh Khalsa along with 10-15 other persons who were armed with dandas came in tractor-trolley, used abusive language, threatened the petitioner and his servants,

endangered their lives, forcibly entered his house and unloaded cow dung-laden trolley at the gate of his house. FIR No.1 dated 01.01.2021 was registered under Sections 148, 307, 323, 452 and 506 read with Section 149 of the Indian Penal Code, 1860 in Police Station City Hoshiarpur in this regard. Threats are being extended by anti-social elements to the petitioner as well as his family members including his wife, who is Municipal Councillor at present and is also contesting election for the office of Municipal Councillor. His wife is not being allowed to go outside for canvassing and visitors including BJP workers are not allowed to enter the locality. The temporary Guard provided at the house of the petitioner works only from 08:00 A.M. to 08:00 P.M. while PSOs are also not available round-the-clock. The petitioner made representation dated 07.01.2021 but no action has been taken on the same.

Learned Counsel for the petitioner has further submitted that in view of the threats extended to the petitioner and his family members and imminent danger to their lives, liberty and property directions may be issued to respondents No.2 to 5 to provide adequate security cover to the petitioner and his family members while going out and round-the-clock security at his house.

Notice of motion.

Pursuant to supply of advance copy, Mr.Inder Doabia, Addl.A.G., Punjab has appeared and accepted notice on behalf of respondents No.1 and 3 to 6 while Mr.Satya Pal Jain, Additional Solicitor General of India along with Ms.Saigeeta Srivastava, Advocate has appeared and accepted notice on behalf of respondent No.2.

Learned State Counsel for respondents No.1 and 3 to 6 has submitted that three PSOs have been provided to the petitioner and four police officials have been stationed outside the house of the petitioner as static guard temporarily and the State and respondents No.3 to 6 will take such appropriate steps for protection of life, liberty and property of the petitioner and his family members as is warranted by threat perception in view of the prevailing facts and circumstances. However, learned State Counsel for respondents No.1 and 3 to 6 seeks time for filing of detailed reply in this regard.

Learned Additional Solicitor General has submitted that the law and order being subject matter of the State requisite steps for protection of the life and liberty of the petitioner and his family members have to be taken by respondent No.1-State and additional force can be made available to respondent No.1-State by respondent No.2-U.O.I. if respondent No.2-U.O.I. is so requested for by respondent No.1-State.

The Constitution of India guarantees to all citizens the right to freedom of speech and expression, to assemble peaceably and without arms and to move freely through the territory of India. These rights include within their fold the right to protest peacefully. However, the protesters cannot violate fundamental rights of others and indulge in any criminal act constituting an offence punishable under the law in force. The State is under constitutional mandate to protect the life, liberty and property of every human being, be he a citizen or otherwise, against any harm by criminal acts constituting an offence punishable under the law in force committed by any person or group of

persons for any cause whatsoever.

Case is adjourned to 29.01.2021.

Reply along with copies of relevant documents be filed by respondents No.1 and 3 to 6 and respondent No.2 in the Registry before that date and advance copy thereof be supplied to learned Counsel for the petitioner.

In the meanwhile, respondents No.3 to 6 are directed to make assessment of threat perception of danger to the petitioner and his family members and take appropriate steps for protection of the life, liberty and property of the petitioner and his family members. For this purpose, PSOs provided be directed to escort the petitioner and his family members while going out of the house; adequate number of armed police officials be deputed as members of the static guard outside the house of the petitioner with requisite number of arms and communication devices round-the-clock; and appropriate steps be also taken to ensure that the petitioner and his family members and their visitors, as permitted by them, are allowed egress and ingress to Sarswati Vihar and house of the petitioner.

Case be shown in the urgent list on the date fixed.

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12.01.2021

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(ARUN KUMAR TYAGI)
JUDGE