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CRM-M-27425-2019 (O&M)
CRM-M-34051-2019 (O&M)

RAJAN KAPUR VS STATE OF PUNJAB

Present: Mr. Arjun Kapoor, Advocate and
Mr. K.S. Kang, Advocate for the petitioner(s).

Mr. Athar Ahmed, DAG, Punjab.

Mr. H.S. Oberoi, Advocate for the complainant.

Arguing counsel on behalf of the petitioner(s) is stated to be unwell. A request for adjournment has been made.

Though the present petition(s) is pending for the last more than 05 years, in the interest of justice, adjourned to 29.04.2024.

On a parallel note in the present case(s), FIR was filed almost 6 years ago and till date only one witness has been examined. While the witness in this case expressed threat to his life and he was also provided a police personal for ensuring his safety. Deploying police personal for this purpose also has a reverse impact on the condition of law and security in general. The shortage of police personnel in the field is a significant factor, compounded by delayed investigations and prolonged trials, all cumulatively contribute towards the law and order situation. Moreover, beyond their immediate impact, these circumstances erode the trust of ordinary citizens in the system. Over time, this loss of faith poses a serious and substantial threat to the citizens, including witnesses, compelling the state to provide them with security measures.

In "**Om Prakash Soni vs State of Punjab and others**" bearing Case No CWP Nos.11872 of 2022 (& other connected cases), a Co-ordinate bench of this Court observed that the demand of security cannot be on the basis of displaying an authority of symbol or to flaunt the status as a very important person and no privileged class can be created on the State's expense by using money of taxpayers.

In these circumstances, it becomes imperative for this Court to examine the basis on which security has been provided to the individuals. It has been brought to the knowledge of this Court that the norms and

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guidelines for granting security cover to individuals have been laid down in State Security Policy, 2013 which has been notified by the State of Punjab on 02.09.2013 in view of directions issued by the Hon'ble Apex Court in SLP No.25237 of 2010 titled '**Abhay Singh vs. State of U.P. and others**'. Thus, DGP Punjab is requested to file an affidavit providing following information with respect to the State Security Policy, 2013 apart from placing on record a copy of this policy, before the next date of hearing:-

- (i) What is the frequency of periodical assessment of threat perceptions to the individuals provided with the security?
- (ii) Excluding ex-officio persons, how many individuals including VIPs, VVIPs, Citizens are assigned Security Personal(s) as on date under different categories?
- (iii) How many individuals are provided with security against payment and at what percentage? What is the total expenditure incurred by the state on providing security and how much is it able to recover from the payments made by the protectee?

A photocopy of this order be placed on the files of connected cases.

April 23, 2024
Atik

(HARKESH MANUJA)
JUDGE