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

**Reserved on 22.05.2023**

**CRWP No.3997 of 2023(O&M)  
Date of Decision: 01.06.2023**

**Navjot Singh Sidhu .....Petitioner  
Vs  
State of Punjab and others .....Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:Mr. Manjit Singh Khaira, Sr. Advocate with  
Ms. Hanima Grewal, Advocate  
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl., A.G., Punjab.

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**RAJ MOHAN SINGH, J.**

[1]. The petitioner has preferred this writ petition for the issuance of a writ in the nature of mandamus, directing the respondents to restore Z+ security of the petitioner, which has been reduced to Y+ without any notice to the petitioner.

[2]. Notice of motion was issued on 27.04.2023 on the premise that the petitioner by virtue of his political status and threat perception was granted Z+ security. Thereafter, the petitioner was awarded one year sentence in road rage case in case bearing FIR No.224 dated 27.12.1988 under Sections 304, 34 IPC at Police Station Kotwali, Patiala. At the time when the



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petitioner surrendered, the competent authority issued a letter dated 20.05.2022 to the effect that when the petitioner will come out of the jail, his Z+ security shall be restored immediately. The petitioner was released from the jail on 01.04.2023, but instead of restoring the Z+ security, his security cover has been slashed down to Y+ category without their being any fresh assessment in respect of his threat perception based on different inputs.

[3].      Thereafter, on 05.05.2023, following order was passed:-

*“Status report has not been filed.*

*Learned State counsel submits that in pursuance of the order dated 27.04.2023, the process has been started thereby calling upon the inputs from different quarters including the petitioner. The petitioner was having Z+ security at the time when he was awarded one year sentence in a road rage case bearing FIR No.224 dated 27.12.1998 registered under Sections 304, 34 IPC at Police Station Kotwali, Patiala. At the time of his surrender, the competent authority had issued an intra departmental communication in the context that whenever the protectee will come out of the jail, his Z+ security shall be restored immediately. This Court in CWP No.11872 of 2022 decided on 22.08.2022 has already passed an order for analyzing the threat perception of the protectee as well at the time of assessing overall threat perception based on the inputs provided by the central as well as State agencies. Learned State counsel has pointed out that*



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*thereafter the State has slashed down Z+ security of the petitioner to Y+ security.*

*The State may point out, whether at the time of reducing the security of the petitioner, the threat perception of the petitioner was ever taken into consideration or not.*

*Adjourned to 12.05.2023.”*

[4]. Thereafter, the status report was filed by the respondents No.1 to 3 along with a sealed cover. Threat perception report in respect of the petitioner has been received in a sealed cover. According to the aforesaid report, following report has been sent by the Special Director General of Police, Internal Security, Punjab to the Additional Director General of Police, Security, Punjab vide memo No.8697 dated 09.05.2023:-

**SECRET**

*“From*

*Special Director General of Police,  
Internal Security, Punjab.*

*To*

*Additional Director General of Police,  
Security, Punjab.*

**Memorandum no.: 8697 /DVS**

**Dated: 09/05/2023**

**Subject:-Threat perception report with regard to Sh. Navjot  
Singh Sidhu, former Minister, Punjab and Member,**



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**All India Congress Committee, s/o Sh. Bhagwant Singh Sidhu, r/o #110, Holy City, Ghumtala Road, Amritsar and #26, Yadwindera Colony, PS Lahori Gate, Distt. Patiala.**

Memo:

Please refer to your office Memo No.20497/DDSB, dated 03.05.2023, on the subject cited above.

2. The matter regarding fresh threat perception of Sh. Navjot Singh Sidhu has been examined in this office. He is a Member, All India Congress Committee. He is "Y+ category" protectee of Punjab State.

3. He remained in Indian Cricket Team from 1983 to 1998. Thereafter, he joined BJP in 2004 and remained MP/Amritsar and Rajya Sabha Member, BJP in 2016. In 2016, he resigned from Rajya Sabha membership and constituted Awaz-e-Punjab Party, which was dissolved in 2017 and joined Congress Party. He was elected as MLA, Amritsar-East in Punjab Vidhan Sabha Election 2017 and remained Cabinet Minister, Punjab.

4. A case FIR No.244/1988 u/s 304, 34, 323, 324 IPC, PS Kotwali Patiala was registered against him. He has completed his sentence in this case.

5. A case FIR No. 55, dated 16.04.2023 u/s 380, 457, 511 IPC, PS Division No.04 Patiala was registered against unknown person on the statements of his cook Raju s/o Raghunath r/o Sultanpur (U.P.) that one unidentified person was seen roaming on the terrace of his house at Patiala. This case is under investigation.

6. As per central agency input shared with you vide this office letter No. 9082/DVS, dated 27.07.2018, Dera Sacha



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*Sauda followers have allegedly threatened Sh. Navjot Singh Sidhu for his comments against DSS Chief. Another input on the basis of newspaper cutting (Jagbani) dated 20.08.2018 shared with you vide this office letter No. 10171/DVS, dated 24.08.2018 Sanjay Jaat, the president of the Rashtriya Bajrang Dal (Agra Unit), has offered Rs.5 Lakh to anyone who brings the head of Sh. Navjot Singh Sidhu, to him.*

7. *According to the field unit report and this office record, at present there is no further specific threat input indicating any threat to his security from any terrorist/militant/gangster outfits operating in the country. However, it is recommended that being a former Minister Punjab, the security with him may be continued as per the norms.*

8. *You are also advised to seek local threat perception from the concerned district and factor it into the overall threat assessment of the individual concerned.*

*(AIG/CI)*

*for Spl. Director General of Police,  
Internal Security, Punjab.”*

[5]. Threat perception report from the Central Agency i.e. Joint Director, Subsidiary Intelligence Bureau (Ministry of Home Affairs), Government of India, Plot No.1-B, Sector-19-A, Madhya Marg, Chandigarh addressed to Additional Director General of Police, Security, Punjab has also been received, wherein it has been mentioned that as of now, the authority does not have any specific input regarding threat to the petitioner. Along with the aforesaid report, a speaking order passed by the Additional



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Director General of Police, Security, Punjab has also been supplied to the effect that the State Protection Review Group Meeting was held on 29.04.2022 under the Chairmanship of Sh. Prabodh Kumar, IPS, Special DGP, Intelligence, Punjab Police Headquarter, Sector-9, Chandigarh. The members of the Protection Review Group attended the meeting. In the said meeting, it was decided to review the security categorization of existing categorized protectees of different categories. The category of the petitioner was changed from Z+ to Y+ with total manpower of 11. In the aforesaid meeting, the cases of various individuals/protectees were reviewed. Out of 45 protectees, security of 6 protectees was de-categorized. The security of 4 protectees was scaled down including the petitioner. The security of 3 protectees was scaled up as per the threat perception of those protectees. In the aforesaid meeting, different reports were examined and the threat perception and positional threat of the petitioner were also analysed and after due consideration, the security of the petitioner was converted from Z+ to Y+ category as per threat. In Y+ category, the security norms as referred in Yellow Book are in respect of 11 security personnels, which are to be allotted.

[6]. Evidently, the Protection Review Group Meeting dated 29.04.2022 was prior to the order dated 22.08.2022 passed by this Court in a bunch matter with lead case **CWP No.11872 of**



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decided on 22.08.2022, therefore, in respect of threat perception of the petitioner to be provided by the individual/protectee could not be analysed. The aforesaid provision was made only in the order dated 22.08.2022 and the security cover of the petitioner had already been slashed down prior thereto in the Protection Review Group Meeting dated 29.04.2022. It is only thereafter individual threat perception of the petitioner arising out of FIR No.55 dated 16.04.2023 under Sections 380, 457, 511 IPC, Police Station Division No.4, Patiala and the Central Agency inputs shared with the authority on 27.07.2018 in the context of threat allegedly given to the petitioner by Dera Sacha Sauda followers for his comments against Dera Sacha Sauda Chief were analysed and report dated 09.05.2023 was submitted by the Special Director General of Police, Internal Security, Punjab to the Additional Director General of Police, Security, Punjab vide memo dated 09.05.2023.

[7]. For all abundant caution, the report regarding threat perception should not come in public domain as it may have some repercussions and ramifications.

[8]. Since the inputs in question are having details of other protectees as well, therefore, relevant pages of the report disclosing status of security cover qua other individuals are



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again sealed and status report filed by the respondents No.1 to 3 are made part of the record.

[9]. It is a settled principle of law that the issue of providing security cover is a dynamic process, which depends upon periodic analysis of the threat perception of the individual by the competent authority in order to rule out any unfounded apprehension or otherwise the competent authority has to analyse the material to be supplied by the State Agency, Central Agency and by the protectee or individual. The competent authority has to evaluate the threat if any faced or perceived by an individual/protectee. This exercise lies exclusively under the domain of the competent authority for making lawful and rational assessment of threat on the basis of inputs to be provided by the State/Central Agencies as well as by the individual. The de-categorization of the security may some time prompt the inimical anti-social elements to take drastic step. It is a case of slashing down Z+ security to Y+, which as per Yellow Book has the provision of 11 security personnels to guard the person and place of the individual.

[10]. In view of reports submitted by the State and Central Agencies and report of assessment done by the competent authority in respect of two incidents, I find that the pleadings made in para Nos.9 and 11 of the writ petition have not been attended to by the competent authority so far. For ready





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reference, para Nos.9 and 11 of the writ petition are reproduced hereasunder:-

*“9. That the notorious gang leader Lawrence Bishnoi has revealed that two politicians are on their target namely Amrinder Singh Raja Warring MLA and Navjot Singh Sidhu. This gang not only killed singer Subhdeep Singh Sidhu @ Sidhu Moosewala but also commit murders in a most blatant and courageous manner and care little for normal security. The security of Amrinder Singh Raja Warring has been increased and etc. police force has been given while the security of petitioner has been drastically reduced.*

*11. That only sometime back when the petitioner was in Jail and summons were received for his appearance in Bihar, the Court in Bihar was informed then the petitioner was a great security risk leaving Z+ Security and thus could not be made to travel to Bihar.”*

[11]. In view of aforesaid facts on record, I deem it appropriate to direct the respondent No.3 to take note of the apprehensions of the petitioner as disclosed in para Nos.9 and 11 of the writ petition and take all corrective measures including the provision of suitable security on the basis of threat perception disclosed by the petitioner and pass appropriate order within a period of one month. If the threat perception



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based on the aforesaid pleadings made in para Nos.9 and 11 is found to be on genuine note, then the competent authority shall proceed to take all corrective steps including enhancement of security cover, if any required. This provision however is subject to final assessment to be made by the competent authority on the basis of further inputs to be received from the concerned quarter and after analysing the inputs provided by the petitioner in the aforesaid pleadings in accordance with law. Since the issue of providing security cover cannot be treated to be a static issue, therefore, the petitioner would also be at liberty to provide his inputs in order to corroborate the pleadings made in para Nos.9 and 11 of the writ petition. On receipt of such inputs from the petitioner, the competent authority shall take appropriate action. This is so in the light of fact that the issue of security is a State subject and the Court interference should be minimal.

[12]. In view of detailed order dated 22.08.2022 passed by this Court in CWP No.11872 of 2022, this writ petition is disposed of with the observations made hereinabove.

01.06.2023

*Prince*

**(RAJ MOHAN SINGH)  
JUDGE**

**Whether Reasoned/Speaking**

**Yes/No**

**Whether Reportable**

**Yes/No**