

Ravinder Singh Dhull Versus State of Haryana and others

Present: Mr. Ravinder Singh Dhull, Advocate - petitioner in person.

Mr. Satya Pal Jain, Senior Advocate/
Additional Solicitor General, Government of India, with
Mr. Dheeraj Jain, Advocate,
for Union of India - respondent No. 5.

Mr. Baldev Raj Mahajan, Advocate General, Haryana, with
Mr. Pawan Girdhar, Addl. Advocate General, Haryana, and
Mr. S.S. Pannu, Deputy Advocate General, Haryana.

Mr. Atul Nanda, Advocate General, Punjab, with
Mr. P.P.S. Thethi, Additional Advocate General, Punjab, and
Mr. Dhruv Dayal, Senior DAG, Punjab, and
Mr. Luvinder Sofat, AAG, Punjab.

Mr. Sumeet Goel, Standing Counsel for
respondent No. 6 - Central Bureau of Investigation.

Mr. Virat Amarnath, Advocate, for
respondent No. 7 - Dera Sacha Sauda, Sirsa.

Mr. Randeep Singh Rai, Senior Advocate, with
Mr. Y.S. Rathore, Public Prosecutor, and
Mr. Sukant Gupta, Additional Public Prosecutor, and
Mr. D.S. Brar, Additional Public Prosecutor,
for respondent No. 8 - U.T. Chandigarh.

Mr. Satya Pal Jain, Senior Advocate/Additional Solicitor General, Government of India, has submitted that forty more Companies have been sent by the Central Government for deployment in the State of Haryana, particularly in Panchkula and its surrounding areas; besides, it is submitted that the deployment of Army has also been conveyed to the State of Haryana, which has been kept as a standby. It is accepted by Mr. B.R. Mahajan, Advocate General, Haryana, that thirty-five Companies have reached.

Mr. B.R. Mahajan, Advocate General, Haryana, submits that evacuation of the crowds from Sectors 1 to 21 of Panchkula has been carried out except in a park in Sector 5, Panchkula; besides, there is some crowd in 'Nam Charcha Ghar' in Sector 23, Panchkula.

Mr. B.R. Mahajan, Advocate General, Haryana, has assured the Court that strict action would be taken in case there is any violence or arson of any kind from any section of the society. He has assured us that police force and paramilitary forces would be given free-hand to deal with the situation and act with force wherever and whenever required against any individual or any section of the society or organization.

Mr. Virat Amarnath, Advocate, appearing for Dera Sacha Sauda, Sirsa (respondent No. 7) has submitted that appeals have been made to the followers of the 'Dera' for maintaining peace and returning to their homes. He has assured that peace would be maintained at all costs.

In the peculiar facts and circumstances of the case, we direct that:-

- (i) All parties and every section of the society should maintain peace and harmony;
- (ii) In case anybody indulges in any kind of violence, arson, loot, etc., he or they should be dealt with firmly by use of force, if necessary;
- (iii) The police force and paramilitary forces would have free-hand to deal with the situation wherever and whenever required against any individual or any section

of the society or organization;

(iv) In case of need, the Army shall be deployed and made operational.

(v) The police force shall make arrangements forthwith for capturing every moment of untoward situation through video-graphy by using video-cameras. Those who are indulging in any kind of violence, arson or breach of peace etc. shall be video-graphed and an FIR shall be registered against him/them;

(vi) In case any politician or anybody else including Ministers interferes in the enforcement of law, FIR be registered against him/them. In case of failure on the part of the police officer to register an FIR, similar action would be called against him;

(vii) No politician, leader, social-worker, spiritual leader, religious leader or any such organization shall make any provocative speech or statement, which may have the tendency to affect public order.

This order shall be applicable in the States of Haryana and Punjab as also Union Territory, Chandigarh.

We are sure that Media will play a pro-active and responsible role in this behalf.

The case be taken up today itself in post-lunch session.

Copy of the order be given under the signatures of the Court

Secretary of this Bench to Shri Dheeraj Jain, Advocate; Shri Pawan Girdhar, Additional Advocate General, Haryana; Shri P.P.S. Thethi, Additional Advocate General, Punjab; Shri D.S. Brar, Additional Public Prosecutor, U.T. Chandigarh; Shri Sumeet Goel, Advocate and Shri Virat Amarnath, Advocate.

(S.S. Saron)
Acting Chief Justice

(Surya Kant)
Judge

(Avneesh Jhingan)
Judge

25.08.2017
Ramesh



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Ravinder Singh Dhull v. State of Haryana & others

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Mr. Satya Pal Jain, Senior Advocate/
Additional Solicitor General, Government of India,
with Mr. Dheeraj Jain, Advocate for Union of India
- respondent No. 5.

Mr. Baldev Raj Mahajan, Advocate General,
Haryana, with Mr. Pawan Girdhar, Addl. Advocate
General, Haryana; Mr. Deepak Sabharwal, Addl.
A.G., Haryana and Mr. S.S. Pannu, Deputy
Advocate General, Haryana.

Mr. Atul Nanda, Advocate General, Punjab, with
Mr. P.P.S. Thethi, Additional Advocate General,
Punjab, and Mr. Dhruv Dayal, Senior DAG, Punjab,
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respondent No. 6 - Central Bureau of
Investigation.

Mr. Virat Amarnath, Advocate, for
respondent No. 7 - Dera Sacha Sauda, Sirsa.

Mr. Randeep Singh Rai, Senior Advocate/Public
Prosecutor with Mr. Sukant Gupta, Additional
Public Prosecutor for respondent No. 8 - U.T.
Chandigarh.

Mr. Anupam Gupta, Senior Advocate with
Mr. Ashok Kumar, Advocate.

Mr. M.S. Joshi, Advocate.

Ms. Tanu Bedi, Advocate.

The Bench has assembled in the post lunch session. We are informed that the accused Ram Rahim has been convicted by the Court of learned Additional Sessions Judge, CBI Court at Panchkula. In consequence of the conviction, the situation has worsened.

Mr. Atul Nanda, Advocate General, Punjab has informed the Court that the situation at Mansa, Ferozepur and Bathinda is serious. An attempt was made to set Railway Station on fire at Malout. Besides, Sewa Kendar at Bathinda was attempted to be set on fire. A telephone exchange at Barnala was also attempted to be set on fire. Moreover, power grids at Sangrur and Kot Kapura were also attempted to be set on fire. Army has been called at Mansa, Malout and Kot Kapura where curfew has also been imposed and 25 incidents of setting on fire by molotov cocktail bombs are reported. However, no casualty has been reported so far.

Mr. Baldev Raj Mahajan, Advocate General, Haryana has informed that curfew has been imposed at Panchkula and some media vans have also been set on fire. However, there is no specific information of any loss of life so far. It is also informed that there was a 'lathi' charge at Jind.

Mr. R.S. Rai, Senior Advocate/Public Prosecutor for UT, Chandigarh has informed that the situation in UT, Chandigarh is peaceful, but the State is on high alert.

Mr. Satya Pal Jain, Senior Advocate/Additional Solicitor General, Government of India has informed that 28 Companies of CAPFs have been deployed for Chandigarh. It is further submitted that in addition to 40 Companies that have already been given to State of Haryana, nine more Companies have also been given.

Mr. Anupam Gupta, Senior Advocate has submitted that this is a stage where the police has to show its tough

stand to tackle the situation and any police official/officer wanting in his duty, needs to be sternly dealt with.

Mr. M.S. Joshi, Advocate has submitted that it is the State of Haryana which is responsible for all lapses. In fact an advisory had been given by the military authorities in 2010 of the weapons and military training being imparted to the Dera followers inside the Dera. Despite the intimation, it took no action.

Ms. Tanu Bedi, Advocate has submitted that the Police must act firmly and with confidence against those who want to take law and order in their hands. The police must act firmly and be unrelenting in their pursuit against those breaking the law.

We have given our thoughtful consideration to the submissions as have been made by the learned counsel.

We are of the view that in the facts and circumstances the States of Haryana and Punjab as also UT, Chandigarh shall ensure that peace and law and order is maintained at all costs. The Police Officers must act and perform their duties to the full. There should be no lapse on their part in the performance of their duties. They should be unrelenting in performing their duties at this critical hour. Any officers found wanting in performance of their duties would be sternly dealt with.

It is made clear that whosoever has been instigating and inciting the crowd that has gathered to commit these acts of arson and violence, they would be sternly dealt with. The damages that are caused to public and private

properties shall be recovered from them. Respondent No.7 – Dera Sacha Sauda shall submit a list of its assets and properties which can be attached in case it is found that they and their followers are responsible for the said acts.

All Judicial Officers at Panchkula shall forthwith be provided security by Para Military Forces round the clock. It has been reported by some of members of the Bar that they have been informed that Police have been seen running from the places where the incidents of violence had occurred. They ran away on the arrival of the Para Military Forces. The police officials, if any, who are responsible for this, should be taken to task.

Mr. Mahajan, Advocate General of Haryana shall verify this position and submit a report in this regard and in case anybody had run away, the name of that officer/official shall be submitted in Court.

Keeping in view the fresh eruption and violence in State of Punjab, the Central Government is directed to provide more security with Army backup.

Since the curfew has been imposed in Panchkula city, learned Advocate General, Haryana shall make arrangements that the lawyers and Court staff of Punjab and Haryana High Court and other public persons who are to return to their houses are escorted to their houses or are given curfew passes.

The members of the Bar have requested that this case be taken up tomorrow i.e. on 26.08.2017.

We accept their request and the case is listed for hearing on 26.08.2017.

Meanwhile, learned Advocate General, Haryana and learned Advocate General, Punjab shall also obtain the status reports regarding law and order situation from each District from the police administration. The same shall be submitted in Court tomorrow.

Copy of the order be given under the signatures of the Court Secretary of this Bench to Shri Dheeraj Jain, Advocate; Shri Pawan Girdhar, Additional Advocate General, Haryana; Shri P.P.S. Thethi, Additional Advocate General, Punjab; Shri D.S. Brar, Additional Public Prosecutor, U.T. Chandigarh; Shri Sumeet Goel, Advocate and Shri Virat Amarnath, Advocate.

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