
(2015) 07 P&H CK 0115
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-12231-2015 (O&M)

Naresh Kumar Sehgal

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 31-07-2015

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 151
Penal Code, 1860 (IPC) — Section 120-B, 201, 306, 307, 323

Citation : (2015) 07 P&H CK 0115

Hon'ble Judges : Mahesh Grover, J

Bench : Single Bench

Advocate : M.S. Sidhu, for the Appellant; K.S. Nalwa, Addl. AG, Advocates for the Respondent

Judgement

Mahesh Grover, J.

CRM-23974-2015

1. CRM is allowed, as prayed for.
2. Rejoinder is taken on record, subject to all just exceptions.

CRM-M-12231-2015

3. During the course of proceedings, the Court notices that in para no. 2 of the petition it was stated by the petitioner on affidavit as below:

"That he is a press reporter and he is running a newspaper known as Duniya De Charche, Kotkapura."

4. Petitioner is present in the Court and has submitted that he does not possess any degree/diploma in Journalism to his credit and is, thus, totally unqualified.

5. By posing as a press reporter and using this as a leverage, he has been levelling allegations against all and sundry in the Government of Punjab, higher officials of the Union of India, as also, some officials of the Advocate General's

office. He projects himself as a person with a social and missionary zeal who has set out to expose people in higher places and in the process has levelled reckless allegations to thereafter seek security for himself on the pretext that his life is threatened on account of his reporting and complaints.

6. In this petition, it would be appropriate to notice his prayer for the simple reason that similar prayers have been made by the petitioner in number of cases, some of which have already been decided with stricture against the petitioner.

7. As many as 20 petitions are listed for 20.08.2015 where one of the prayers at least is common as the Court has been informed i.e for providing him security. The Court has also been informed that as many as 218 petitions have been filed by the petitioner before this Court.

8. The Court does not have the benefit of all the 218 cases but at least some of the examples of the petitions preferred by the petitioner have been brought out in the reply submitted by the respondents and other material shown to this Court during the course of hearing.

9. So far as this petition is concerned, this Court vide its order dated 23.04.2015 recorded the statement made by the learned counsel appearing for the State on instructions from Sh.Baljit Singh, DSP, Kotkapura to say that the police has no objection in providing necessary security to the petitioner and it will be ensured that no untoward harm is caused to him when he appears before the Court on 30.04.2015.

10. It is pertinent to mention here that the petitioner had sought protection on account of his apprehension that he has to appear before the Court of District Judge, Faridkot as a witness against Sh.Sukhbir Singh Badal, Deputy Chief Minister of Punjab in a case FIR No. 93 dated 21.06.2002. It is also essential to point out here that this FIR was cancelled and before the Court of Judicial Magistrate Ist Class, Faridkot the petitioner had stated that "present cancellation report" submitted by the police does not require any further proceedings and he has no objection if the cancellation report is decided in accordance with law. Thereafter, he made another written request dated 19.10.2012 before the very same Court admitting that he has no objection if the cancellation report is decided in accordance with law. Of course the petitioner had stated that the cancellation report relates to the incident dated 05.09.1999, the day of the election and the complainant (petitioner) had filed a Criminal Misc. No. 28708 of 1999 regarding a violent incident on the day in question in this Court. FIR No. 129 dated 30.06.2006 was registered under Sections 307,392, 323, 327, 201 and 120-B IPC Police Station Kotkapura against the accused persons. In this way, there is hardly any reason to project to this Court that he was apprehending threat at the hands of the respondents on his appearance before the Court below when he had not objected to the cancellation report being accepted.

11. Be that as it may, the narration of facts of the present case would reveal that

the petitioner filed a contempt petition i.e COCP No. 1083 of 2015 alleging non compliance of the directions given by this Court on 23.04.2015 but instead of following that petition to its logical end, he chose not to appear leading to its dismissal for want of prosecution. In the meantime, another petition was filed by the petitioner on 09.07.2015 bearing No. CRM-M-17359-2015 with multifarious prayers including the prayer for providing him with security.

12. In that petition, the petitioner appeared in person and did not disclose the factum of the pendency of the present petition i.e CRM-M-12231-2015. Coordinate Bench of this Court directed the matter to be listed on 20.08.2015 with no further orders passed.

13. The petitioner then filed another CRM No. 22017-2015 in CRM-M-17359-2015 again with number of prayers including one to provide him with security. On this application, coordinate Bench of this Court passed an order on 20.07.2015 which may be noticed as below:-

"Notice was issued for the date fixed i.e 20.08.2015. On the asking of the Court, Mr. Silesh Gupta, Addl. A.G. Punjab accepts notice. He submits that he shall seek instructions about need, if any, for providing security to the applicant and address the Court."

14. The petitioner did not disclose before the Court hearing the aforesaid criminal misc. application that a similar prayer for grant of security is being heard by the present Bench and listed for 24.07.2015, where, a statement had already been made on 23.04.2015 by the police officials on their own ensuring the security of the petitioner.

15. Things do not come to an end as the petitioner gave an advance copy of the misc. application dated 22.07.2015 proposed to be filed in CRM-M-75494 of 2006 which was also pending for 20.08.2015. A copy of the application CRM No. 23052 of 2015 filed in CRM-M-75494 of 2006 has been produced before this Court and in this petition he makes a similar prayer that he is apprehending danger to life and as such he be provided with security. Some of the allegations that the petitioner has made in this application ought to be extracted in order to understand the irresponsible conduct of the petitioner:-

" 9. That CRM-M-75494-2006, CRM-75729-2007 and other CRMs filed by complainant Naresh Kumar Sehgal is pending in Hon"ble High Court against Sukhbir Singh Badal Deputy Chief Minister and complainant Naresh Kumar Sehgal has demanded CRPF security as he has direct danger to his life from the hands of Sukhbir Singh Badal.

10. That Sukhbir Singh Badal Deputy Chief Minister has gone abroad as shown in Annexure P-4 (colly) under a conspiracy to murder the applicant Naresh Kumar Sehgal.

11. That Sukhbir Singh Badal Deputy Chief Minister has relations with foreigner terrorists and he can murder the applicant/complainant Naresh Kumar Sehgal by

hatching a conspiracy with unknown persons as he is home minister of Punjab.

12. That it may be verified from his passport by taking into custody that how many times Sukhbir Singh Badal has visited abroad illegally without the prior permission of Hon"ble Court and his bail may kindly be cancelled and he may be summoned personally in Hon"ble Court so that applicant/complainant can produce other proofs in Hon"ble Court in his presence."

16. This application came up for hearing on 28.07.2015 and notice has been issued for 20.08.2015.

17. In the instant petition also the petitioner alleges animosity with the same person. It has been mentioned and noticed above in the backdrop of the fact that the petitioner was covering the election process and because of Sh.Sukhbir Singh Badal and other people acting at his behest he was assaulted a number of times leading to registration of as many as 6 DDRs but no FIR and this prompted the petitioner to start moving of representations to the State Government, to the Hon"ble President of India and other high officials requesting them to provide him with security of the Central Agency. He further goes on to plead as under:-

" In view of these circumstances, it is requested that security of CRPF with Bullet proof vehicle be provided to the petitioner as Deputy C.M Sukhbir Singh Badal and some officers of Punjab Police have hatched a conspiracy to eliminate the petitioner and there is immediate threat to the life of the petitioner.

5. That the officials of the Punjab Police are totally under the command of respondent no. 12-Sukhbir Singh Badal, Deputy CM, Punjab who is son of Sh.Parkash Singh Badal, CM, Punjab and the Department of Home is being handled by respondent no. 12 - Sukhbir Singh Badal, Deputy CM, Punjab.

a) Parkash Singh Badal father of accused Sukhbir Singh Badal and who is Chief Minister of Punjab so that all the police and administration department are working under their pressure.

b) Harsimrat Kaur Badal wife of accused Sukhbir Singh Badal and who is member of Parliament so that all the police and administration department are also working under her pressure.

c) Bikram Singh Majithia close relative of accused Sukhbir Singh Badal and who is Minister in State of Punjab Government so that all the police and administration department are also working under his pressure. The respondent no. 12 SSP Faridkot was also appointed by Bikram Singh Majithia.

6. That the respondent no. 6-DGP and respondent no. 7-ADGP Security, vide order no. 41045-46/DDSB-6 dated Chandigarh 09.11.2012 also provide one vehicle of car to the petitioner.

7. That the respondent no. 6, 7 and 10 also provide 6 drivers namely HC Sayad Mahmood Alam, HC Raj Pal, HC Davinder Singh, HC Rajbir Singh, HC Chakaur Singh and HC Mehar Singh and 1 mechanic namely HC Subhash Sharma."

18. The Court would like to take this opportunity to question as to how the petitioner was covering the elections as he was not even a qualified journalist. He has admitted before this Court unequivocally that he does not possess any such degree or diploma which would enable him to function as a Journalist. The situation is compounded by the State itself as the Identity Card that the petitioner carries is issued by the Information and Public Relations Department, Government of India indicating him to be a member of press.

19. This of course raises a larger issue as to whether the Government of India and the Public Relations Department can issue such Identity Cards to people who do not have any connection with Journalism to enable them to pose as members of the press.

20. It reveals a rot of sorts and bungling by the State itself for which they are accountable. They (State of Punjab and Union of India) are directed to conduct an inquiry into the issuance of such card to the petitioner and take disciplinary action against the officials who have issued it to the petitioner giving him a life of Journalist which he has abused to turn it into a blackmailing industry.

21. His press accreditation shall be seized forthwith to terminate it permanently and appropriate notices should be issued in the press declaring that the petitioner Naresh Kumar Sehgal would not be entitled to carry out any pursuits related to the sacred and respected profession of Journalism.

22. The Press Council of India would also be apprised of this so as to enable it to take any action, as warranted, in law. The identity card of the petitioner has been handed over to Mr. Nalwa, learned State counsel to take further action as has been directed above.

23. Reverting back to the facts of the case it is evident that the petitioner comes across as an irresponsible person akin to a loose cannon, capable of levelling wild and scurrilous allegations against all, depending who comes in the line of fire.

24. Two of the officials of the Advocate General were also accused by the petitioner.

25. In a CM No. 6872 of 2015 filed in Civil Writ petition No. 12920 of 2013, the petitioner made the following prayers.

" Application under Section 151 of CPC, praying for directing the CBI to conduct a thorough inquiry and lodge FIR against the respondent no. 4 to 16, as the respondent no. 4 to 16 fraudulently got the orders dated 27.01.2014 (Annexure P/A-3) and order dated 26.05.2014(Annexure P/A-4) from this Hon"ble Court in case CWP No. 12920 of 2013, titled as Naresh Kumar Sehgal v Union of India and others", by impersonating the petitioner Naresh Kumar Sehgal, as the petitioner Naresh Kumar Sehgal was confined in judicial custody in Central Jail, Faridkot at the time of passing the said orders dated 27.01.2014 and 26.05.2014. This fraud has been committed by the respondents no. 4 to 16 in connivance with each other and after shaking the hands of Govt. Pleaders/

Advocates just to give undue benefits to respondent no. 15 (Sukhbir Singh Badal, Deputy CM, Punjab).

It is further prayed that respondents no. 1 to 3 may kindly be directed to ensure and provide the adequate security cover of central agency like CRPF with bullet proof vehicle as the petitioner is having great apprehension of his life and liberty at the hands of respondents no. 4 to 16 and their associates as they can kidnap or murder the petitioner at any time.

It is further requested before this Hon"ble Court that the present application for making enquiry as to how the presence of the applicant has been marked, when actually the applicant was in judicial custody in case FIR No. 196 dated 14.10.2013, under Section 306 IPC, Police Station City Kotkapura, District Faridkot and the applicant was granted bail and released from Central Jail, Gurdaspur on 09.04.2015.

It is prayed before this Hon"ble Court that in case CWP-12920 of 2013 titled as "Naresh Kumar Sehgal v. Union of India and others", passed by order Hon"ble Mrs. Justice Ritu Bahri on dated 27.01.2014, in which the petitioner Naresh Kumar Sehgal was marked as present in the Court and further adjourned the case to 26.05.2014 for filing reply by the State. The copy of order dated 27.01.2014 is annexed herewith as Annexure P/A-3.

It is prayed before this Hon"ble Court that in case CWP No. 12920 of 2013 titled as "Naresh Kumar Sehgal v. Union of India and others", passed by order Hon"ble Mrs. Justice Ritu Bahri on 26.05.2014, in which the petitioner Naresh Kumar Sehgal was marked as present in the Court and further adjourned the case to 18.07.2014, to be heard along with CRM No. M-23614 of 2013 and CRM No. M-22981 of 2011. The copy of order dated 26.05.2014 is annexed wherewith as Annexure P/A-4.

It is prayed before this Hon"ble Court that in case CWP No. 12920 of 2013 titled as "Naresh Kumar Sehgal v Union of India and others", till date the petitioner has no knowledge regarding what happened to this case and neither he received any reply. The respondent no. 4 in the present case along with Ms. Anu Pal, AAG, Punjab and second time Mr. Rupam Aggarwal, DAG, Punjab for respondent no. 4, on the instruction of respondent no. 15 (Sukhbir Singh Badal, Deputy CM, Punjab and others impersonated the petitioner with fake person, got passed the above orders so that no justice be provided to the petitioner, whereas the petitioner was inside the jail on the above said dates."

26. The Court has been informed that this application is still pending.

27. As many as four orders have been passed by this Court dismissing the prayer of the petitioner for security which he has not cared to reveal to this Court or any other Court.

28. It may not be out of place to notice here that in one of the above prayers extracted, the petitioner had pleaded that this Court has recorded his presence

erroneously as someone has impersonated the petitioner whereas he was in jail at that time. The petitioner seems to be a habitual liar and in one of the proceedings this Court had to observe about his conduct when he pleaded for suspension of sentence on account of medical condition which was found to be incorrect. In CRM No. 31295 of 2014, CRM No. 27709 of 2014 and CRM No. 23304 of 2014 in CRA-S-3039-SB-2014, the Court passed the following order:-

" CRM-27709 and 31295 of 2014 are allowed and medical record Annexure A-14 to A-28 is permitted to be taken on record.

The documents filed on behalf of State of Punjab indicate that no record was found regarding admission of the appellant in PGI Chandigarh during the period alleged. On the basis of the dubious role played by the four police officials deputed with the appellant, they have been charge sheeted and proceeded with at departmental level.

Counsel for the appellant submits that the appellant did not remain admitted in the PGI, Chandigarh, but he was under treatment there.

It remains a mystery as to how the appellant remained out of jail for treatment though he was not admitted in the PGI. In this context, a copy of the report of SSP Batala alongwith other documents has been provided to the counsel for the appellant for enabling him to satisfy this Court regarding the ground taken for suspension of sentence on the basis of ailment. He has, however, no words to say.

The appellant has undergone total sentence of one year and one month including remissions out of 5 years. Suspension of sentence of imprisonment has been sought on the ground of having been admitted in PGI. The appellant has sought the said relief by playing fraud on the Court. The application is dismissed without prejudice to the right of the appellant to file fresh petition on other grounds if any.

Nothing said in this order will prejudice the right of the appellant to seek any relief on merits."

29. Number of petitions have been filed wherein prayer for security has been made. If security is the concern of an individual then grant of such a prayer in one case ought to be satisfactory. One does not have to trumpet this prayer over and over again in multifarious proceedings, without disclosing to the Court, the earlier petitions filed and their consequences. Following are the cases where prayer for security has been made:

30. In two of the misc. applications, the prayer for security was categorically declined with an observation that petitioner is a habitual litigant. Even all these facts were never disclosed by the petitioner when he filed the instant petition and also application bearing Crl. Misc. No. 20997- 2015 in CRM-M-75494-2006 which came up before coordinate Bench of this Court.

31. As far as the prayer of the petitioner for grant of security is concerned, it is in

the domain of the law enforcing agencies to evaluate and take remedial action in case it is necessary. In any case they have assured the Court in this regard.

32. In the given backdrop of the facts, it is evident that the petitioner uses blackmail as a weapon to extract benefits and undue importance for himself. He does not hesitate to compare himself with the higher officials of the police who are given security on account of the hazardous job that they perform to ask for security of the same level. His conduct in filing petitions with similar prayers without disclosing the pendency and disposal of the earlier petitions filed by him has resulted in sheer wastage of time of this Court apart from burdening the Courts unnecessarily with frivolous petitions by proclaiming himself as a Journalist with a zeal and a social activist. The petitioner has also revealed a scant respect for law and Courts by abusing the process of law. The Courts are steadfast in their resolve to deliver justice as mandated in law but such disguised assaults of vexatious litigations, drains their time which can so effectively be used to dispense justice to the needy.

33. Learned State counsel has placed on record authorities of Hon"ble Supreme Court in Moti Lal Songara Vs. Prem Prakash @ Pappu and Another, (2013) 6 AD 125 : AIR 2013 SC 2078 : (2013) CriLJ 2977 : (2013) 2 Crimes 328 : (2013) 3 JCC 1822 : (2013) 7 JT 376 : (2013) 3 RCR(Criminal) 333 : (2013) 7 SCALE 320 : (2013) 9 SCC 199 and M.C.D. Vs. State of Delhi and Another, AIR 2005 SC 2658 : (2005) CriLJ 3077 : (2005) 11 JT 106 : (2005) 4 SCC 605 : (2005) 3 SCR 1010 : (2005) AIRSCW 2882 : (2005) 4 Supreme 240 .

34. In Ramjas Foundation and Another Vs. Union of India (UOI) and Others, (2010) 12 JT 134 : (2011) 1 RCR(Civil) 176 : (2010) 11 SCALE 598 : (2010) 10 UJ 4974 : (2010) AIRSCW 7091 : (2010) 7 Supreme 585 , the Hon"ble Supreme Court has held that a person who does not come to Court with clean hands is not entitled to be heard on the merits of his grievance.

35. Concealment of facts to procure orders favorable to him is an act which can hardly be condoned. The Court finds his conduct of over reaching the Court to be contemptuous as repeated petitions have been filed with similar prayers and concealment of facts. The Court, thus, pronounces him guilty of contempt of Court as his attempt to over reach the Court has been fully exposed and established.

36. One may notice that there are as many as 218 petitions filed by the petitioner from the year 2003 till date which fact has been ascertained by the registry itself and duly noticed in the order passed in CRM-M-17705-2013.

37. The petitioner is, thus, a cantankerous litigant habituated to filing frivolous, vexatious proceedings, indulging in misdirected adventurism with the scurrilous, libellous and reckless allegations against people in high places with a view to derive undue publicity for himself and adverse publicity to his victims. His fervour has resulted in acute wastage of time of this Court, which ordinarily should be utilized for productive purposes to redress the grievances of genuine public.

38. In the case of Dr. B. Singh Vs. Union of India (UOI) and Others, AIR 2004 SC 1923 : (2004) 101 FLR 575 : (2004) 3 JT 127 : (2004) 3 SCALE 224 : (2004) 3 SCC 363 : (2004) 2 SCR 1061 : (2004) AIRSCW 1494 : (2004) 2 Supreme 387 , the Hon"ble Supreme Court observed with equal anguish as under:-

" It is depressing to note that on account of such trumpety proceedings initiated before the Courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of the genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievance go unnoticed, un-represented and unheard; yet we cannot avoid but express our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties with hundreds of millions of rupees and substantial rights and criminal cases in which persons sentenced to death facing gallows under untold agony and persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters - government or private, persons awaiting the disposal of tax cases wherein huge amounts of public revenue or unauthorized collection of tax amounts are locked up, detenues expecting their release from the detention orders etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the Courts and having their grievances redressed, the busy bodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no real public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for glare of publicity break the queue muffing their faces by wearing the mask of public interest litigation and get into the Courts by filing vexatious and frivolous petitions of luxury litigants who have nothing to loose but trying to gain for nothing and thus criminally waste the valuable time of the Courts and as a result of which the queue standing outside the doors of the court never moves, which piquant situation creates frustration in the minds of the genuine litigants."

39. The Division Bench of this Court in Dr.B. Singh vs. Director, CBI and others 2006(1) Law Herald 125 following the observations of the Hon"ble Supreme Court in the afore-stated case had directed the registry of the High Court not to entertain any litigation initiated by the petitioner in that case namely Dr.B.Singh.

40. In the backdrop of the facts of this case and noticing that the petitioner is repeatedly filing frivolous petitions by levelling wild allegations and using it as a shield to procure security for himself, I am of the view that similar order needs to be passed in the instant case as well.

41. Consequently, the registry is directed not to entertain any petition filed by the petitioner of the kind that he has initiated before this Court i.e levelling wild allegations against people in places and seeking security for himself by projecting himself as a man of public cause also engaged in social work.

42. A copy of this order would be placed on record of cases which the petitioner has already filed and are stated to be pending before various coordinate benches of this Court for 20.08.2015.

43. The Court has questioned the petitioner regarding sentence. He says that he has nothing to say but prays for a lenient view.

44. To come up on 31.07.2015 for hearing on quantum of sentence.

45. The petitioner will remain present in Court.

46. Heard on quantum of sentence. The petitioner prays for leniency.

47. On the last date of hearing the petitioner had expressed his regrets. The Court upon consideration is of the opinion that like all other habitual litigants, he too is one who seeks a halo of a persecuted man and thus it would be wise to deny him what he so assiduously seeks. Therefore, this Court instead of sentencing him to imprisonment deems it appropriate to impose appropriate costs which ought to act as a deterrent for filing vexatious litigations. The costs are determined at Rs. 2,00,000/-, which shall be deposited with Mediation and Conciliation Centre of this Court within a period of two months from today failing which the Chief Judicial Magistrate, Faridkot shall ensure the recovery of the same from the petitioner even if he has to resort to coercive process. On realizing, the amount shall be sent to the Mediation and Conciliation Centre of this Court.

48. It has already been made clear in the foregoing paragraphs that the threat perception to the petitioner is a matter to be looked into by the State agencies and, therefore, court leaves it to them to evaluate it and take appropriate action in case the situation so arises.

49. A copy of this order be sent to the Court of learned Chief Judicial Magistrate, Faridkot for compliance.

50. For the reasons given in the order dated 30.07.2015 and also today, present petition is dismissed.