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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 163/2026
VIKAS PUNDHIR

.....Petitioner

Through: Mr. Nishant Kumar Tyagi, Adv.
(Through VC)

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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19.01.2026

CRL.M.A. 1499/2026 (*Exemption*)

1. Allowed, subject to all just exceptions.
2. The present application is disposed of.

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3. By virtue of the present petition under *Article 226/ 227* of the Constitution of India read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the petitioner seeks issuance of a Writ in the nature of *mandamus* directing respondent no.1 State to provide protection to the petitioner in view of the continuous and recurring threats given by respondent nos.2 to 8, as they are his political rivals.
4. As per the case set up, the petitioner, a practising advocate, primarily in Karkardooma Courts, has also been actively involved in party politics since the year 2012. Since the respondent nos.2,5, 6 and 7 started threatening the petitioner on 01.03.2016, an NCR No.24/2016 dated 01.03.2016 was registered at P.S.: Harsh Vihar, Delhi under *Section 506*



of the Indian Penal Code, 1860. However, since the said respondents nos.2,5, 6 and 7 had undertaken not to threaten the petitioner, the said NCR was disposed of. Subsequently, since the respondent no.2 was released from jail, on 07.05.2022 at 12:36 A.M., he threatened to kill the petitioner through a WhatsApp call, if he does not abstain from participating in politics.

5. As the respondent nos.3,4 and 5 belonged to rival political parties and as they continuously threatened to end the life of the petitioner, FIR No.127/2023 dated 20.01.2023 under *Section(s) 25/9/29(B)* of the Arms Act, 1959 was registered at P.S.: Harsh Vihar, Delhi, whereafter as the respondent nos. 2 to 7 continuously pressurized the petitioner to withdraw his previous complaint, and intentionally were posting pictures/ videos on social media whereby they were firing guns in order to intimidate the petitioner, the petitioner made a fresh complaint dated 15.08.2023 with P.S.: Harsh Vihar, Delhi against respondent no.3 to suspend his gun license in view of his safety as also the safety of the public at large.

6. In fact, as per pleadings, when the petitioner woke up on 24.12.2025 around 02:00 A.M, he saw a few unknown people in front of his house, taking pictures of his car and nearby surroundings, which raises a suspicion about a conspiracy being executed, aimed towards the petitioner, thus a complaint was registered on 24.12.2025 at P.S.: Harsh Vihar, Delhi, since the continuous threat posed a grave and imminent threat to the life, liberty and safety of the petitioner.

7. Issue Notice.

8. Learned ASC for State accepts Notice.

9. *Article 21* of the Constitution of India guarantees all persons the



fundamental right to life and personal liberty, which encompasses in itself the autonomy/ liberty to make personal choices which include the right to be associated with any political party and actively be involved in politics in a manner a citizen deems fit. Any form of interference and/ or coercion from/ by anyone with those, strikes at the core of individual liberty and safety. As such, considering the factual matrix involved as also the settled position of law, the petitioner herein is also well and truly entitled for protection under *Article 21* of the Constitution of India.

10. Accordingly, considering the nature of the assertions made as also the factual matrix involved, the present petition is allowed with directions to the SHO (+918750870734) and/ or the Beat Constable HC Rohit (+919953786288), P.S., Harsh Vihar, Delhi for being available to provide all necessary assistance/ protection if, as and when, the need so arises for taking all possible steps to provide adequate assistance and protection to the petitioner in accordance with law.

11. It is made clear that if the petitioner chose to reside within the jurisdiction of any other police station, he will apprise about the same and give the complete details including the address to the SHO of the concerned PS within a period of *three days* from shifting. In such a situation, the concerned SHO and/ or Beat Constable of the said Police Station shall be liable to extend the aforesaid benefit to the petitioner as well.

12. Accordingly, the present petition is disposed of in the aforesaid terms.

SAURABH BANERJEE, J

JANUARY 19, 2026/Ab