

**KAMLESH
V/S
STATE OF PUNJAB AND OTHERS**

Present: Mr. Amit Agnihotri, Advocate with
Ms. Anju Sharma Kaushik, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Ms./Mrs. Saigeeta Srivastava, Advocate
for the respondent No.5 and 6.

Mr. Bhupender Singh, D.A.G., Haryana
for the respondent No.7.

Mr. Manish Bansal, Public Prosecutor, U.T. Chandigarh
for the respondent No.8.

1. The instant writ petition brings to the fore a very serious issue appertaining to the *prima facie* unregulated modification/upgradation of motor vehicles to bulletproof vehicles.

2. In the present case, the son of the petitioner, who is stated to be “A-category” gangster involved in approx. 41 cases, out of which, 14 cases are yet under trial, was able to get the vehicle in question, which is registered in the State of Punjab, modified/upgraded to bulletproof. Such shocking state of affairs in the State of Punjab propelled this Court to direct the Director General of Police, Punjab, and, the Chief Secretary, Government of Punjab, to file their respective personal affidavits before this Court, thereby informing as to whether any policy or guidelines regulating the modification/upgradation of motor vehicles to bulletproof vehicles is in existence.

3. In deference to the directions of this Court, separate affidavits were filed by the Director General of Police, Punjab, and, by the Chief

Secretary, Government of Punjab.

4. The affidavit dated 06.04.2025, as furnished by the Director General of Police, Punjab, reveals that, in order to ensure that protective gears do not end up in the hands of terrorists, criminals and anti-social elements, and, also to provide for deterrent punishment to the offenders, the Ministry of Home Affairs circulated detailed Guidelines/ Policy No.IV-17017/15/92-Prov. I, dated 16.04.2003, thereby requesting the State Governments/U.T. Administrations to take urgent action for issuance of suitable notifications/executive orders, in exercise of their executive powers provided in the Constitution, Indian Penal Code/Criminal Procedure Code and other State laws, thus regulating the manufacturing, distribution, sale, possession and use of protective gears. This policy, which has been enclosed as Annexure R-1 with the affidavit (supra), also carries the definition of protective gears, including bulletproof vehicles, which is reproduced hereunder. Moreover, this policy also wraps, in detail, the mode of regulation in respect of manufacturing and sale of protective gears.

“A. Definition of “Protective Gear”

The term "Protective Gear" may mean and include gear or equipment to protect vital parts of the body against use of the fire arms, explosives / corrosive substances and poisonous gases. These could be classified into two broad categories and should encompass all types of gears needed to neutralise damages and injuries likely to be caused by bullets and other projectile launched from any weapon or device.

Category “A”

Defensive gear / equipment

Category “B:

(1) Bullet Proof Vests / Jackets (including raw materials, viz. Plates and other ingredients.)

(2) *Bullet Proof Patka / Jackets*

(3) *Ballistic Helmet*

(4) *Bullet Proof Vehicles*

(5) *Mine protected vehicles”*

5. The affidavit dated 08.05.2025, as furnished by the Chief Secretary, Government of Punjab, speaks about the constitution of a Committee on 28.04.2025, comprising of the following officers, to formulate a comprehensive and legally enforceable policy to govern the issue of protective gears, including bulletproof vehicles.

*“1. Additional Chief Secretary, Department of Home Affairs-
Chairman*

*2. Additional Director General of Police (Security), Punjab-
Member*

*3. Additional Director General of Police (Intelligence), Punjab-
Member*

4. Secretary, Department of Transport, Punjab- Member

5. Secretary, Department of Industry, Punjab - Member

*6. Legal Remembrancer, Department of Legal and Legislative
Affairs, Punjab- Member*

7. Any co-opted technical expert(s)- Member”

6. It appears from the above that, the Government of Punjab woke up from the slumber only when this Court racked up this issue.

7. Taking into account the gravity of the issue at hand, and, in order to find out as to whether any policy in this regard has been framed by the State of Haryana and by the U.T. Chandigarh, this Court deems it appropriate to enlarge the scope of this writ petition. Therefore, the State of Haryana and the U.T. Chandigarh, through their respective Chief Secretaries, are ordered to be impleaded respectively as respondents No.7 and 8 in the instant writ petition. Registry is directed to carry out the requisite amendments in the memorandum of parties.

8. Mr. Bhupender Singh, D.A.G., Haryana, waives service of notice on behalf of the respondent No.7, and, Mr. Manish Bansal, Public Prosecutor, Chandigarh, waives service of notice on behalf of the respondent No.8.

9. Registry is also directed to supply complete copy of the instant writ petition, along with all the orders passed by this Court, to the learned counsels for the newly impleaded respondents.

10. Furthermore, in view of the above, this Court deems it imperative to pass the following directions:-

(a) The Chief Secretary, Government of Punjab, shall, by filing his affidavit, inform this Court the progress of the Committee (supra) constituted on 28.04.2025;

(b) The respective Chief Secretaries of the newly impleaded respondents No.7 and 8 shall also, by filing their respective affidavits, inform this Court as to whether any policy or amendments in the existing statute/rules has been crafted by them to regulate the manufacturing, sale and purchase of protective gears, especially bulletproof vehicles, and, to ensure that the protective gears do not end up in the hands of terrorists, criminals and anti-social elements;

(c) The respondent No.6- Union of India, through Ministry of Road Transport and Highways, shall also inform this Court as to whether any particular policy or regulations dealing with the modification of motor vehicles to bulletproof vehicles is in existence.

11. The above directions be ensured to be complied with on or before the next date of hearing.

12. List on 28.08.2025.

May 23, 2025
devinder

(KULDEEP TIWARI)
JUDGE