

**COURT ON ITS OWN MOTION
VS
STATE OF PUNJAB AND OTHERS**

Present: Ms. Tanu Bedi, Advocate as *Amicus Curiae*
Mr. Sumit Kumar, Advocate.

Mr. Gurminder Singh, Advocate General, Punjab.
Mr. A.D.S. Sukhija, Addl. A.G, Punjab
Mr. Aftab Singh Khara, Sr. DAG, Punjab and
Mr. Adeshwar Singh Pannu, AAG, Punjab.

Mr. Anant Kataria, DAG, Haryana.

Mr. Manish Bansal, Public Prosecutor, U.T., Chandigarh with.
Mr. Rajiv Vij, Addl. P.P., U.T., Chandigarh.

Mr. Satya Pal Jain, Add. Solicitor General of India with
Mr. Arun Gosain, Senior Govt. Counsel for respondent-UOI.

Mr. Arun Pal Singh, ADGP (Prisons), Punjab
(Through Video Conferencing).

Mr. Gourave Bhaiyya Gilhotra, Advocate,
Mr. Hitesh Verma, Advocate and
Mr. Vishwajeet Singh, Advocate
for applicant (in CM-85-CWPIL-2023).

Mr. Jaskaranjeet Singh Sibia, Advocate
for inmate (Ravinder Singh).

Learned Advocate General, Punjab submits that in terms of the report of the SIT headed by Mr. Prabodh Kumar, Special Director General of Police, which had indicated connivance of certain police officers, the State Government taking serious view of the matter has decided to dismissed Mr. Gursheer Singh, Deputy Superintendent of Police, by invoking powers under Article 311(2) of the Constitution of India. The recommendation has been made to the Punjab Public Service Commission in that regard for further action.

2. Learned Amicus Curiae has pointed out that this Court, vide order dated 28.10.2024 had directed the Director General of Police, Punjab, to file an affidavit as to why repeated police remands were obtained to keep the criminal in the CIA Staff premises. The criminal was kept in the premises of the CIA Staff, Kharar, for a long period of time. The Director General of Police was also asked to disclose as to on what basis he made a statement in the media that the interview had not been conducted in any jail in the State of Punjab. This Court also recorded in the order that the factum of conduct of the interview within the premises of the CIA Staff, Kharar, makes it even worse than the conduct of such an interview in the premises of jail. The Director General of Police in his affidavit has stated that the statement has been made on the basis of information provided by the officers of the jail department who were present in press conference.

3. It is manifest from the affidavit filed by the Director General of Police, Punjab, that the said criminal was in the premises of the CIA Staff, Kharar, for a period of five months and in the Bathinda jail only for a period of less than two months.

4. It is also apparent from Annexure R-6 appended with the affidavit of the Director General of Police, Punjab, that police remands for the said criminal had been obtained after 2022 even in those cases which were registered prior thereto in the years 2017 to 2021.

5. In pursuance to the order passed by this Court, a transcript of the statement made by the Director General of Police, Punjab, has been furnished to this Court. It is borne out from the transcript that he has made a mention

about the “categoric recorded finding” with regard to the place where the interview was conducted.

6. This Court is of the considered view that the affidavit of the Director General of Police, Punjab, is not satisfactory. He appears to be more concerned about the jails in Punjab although jail department is not under him. He ought to have enquired as to whether the interview had been conducted while criminal was in police custody as the period of custody of the criminal in jails of Punjab was more than the time spent in the judicial custody. He is directed to explain as to why he did not consider the factum of the said criminal being confined in the premises of the CIA Staff, Kharar, for a long period of time and as to whether the interview, which he had conducted, had been conducted within those premises. He has made reference to categoric finding and he ought to clarify those findings and the basis of the statement made to the media. This Court grants him another opportunity to file an affidavit to offer explanation in this regard. He may do so within a period of four weeks.

7. Learned Advocate General, Punjab, submits that departmental action has been initiated under Rule 10 of the All India Services Rules against the senior officers as well and all those officers have been posted outside District Mohali. He submits that he shall submit list of proposed names, who would conduct the departmental inquiry, in a sealed cover to this Court on the next date.

8. Mr. Arun Pal Singh, ADGP (Prisons), Punjab, has stated that several measures have been taken to augment the jail security in terms of the directions of this Court. A prison inmate calling system has been augmented.

Total 467 machines and 620 stands have been installed in seventeen jails. The CCTV cameras are also being installed in seven out of thirteen sensitive jails and the said cameras would be installed in six more jails. The process would be completed by 05.02.2025.

9. Mr. Arun Pal Singh, ADGP (Prisons), Punjab, requests that authority to implement and execute installation of various devices to augment against security is the Punjab Police Housing Corporation and a senior officer of the said Corporation be directed to be present in the Court on the next date.

10. The Managing Director, Punjab Police Housing Corporation, shall remain present in the Court on the next date of hearing.

11. Mr. Satya Pal Jain, learned Additional Solicitor General of India submits that although all the permissions, which had been sought by the State Government, have been accorded for installation of jammers, but in case any other permission is sought, same would be considered expeditiously. A copy of any application made for permission being sought by the State Government may be furnished to him immediately, so that he can expedite the matter.

12. List on 18.12.2024.

Photocopy of this order be placed on the files of the connected cases.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

16.12.2024
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