

17.

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

+ W.P.(CRL) 1000/2010

PARVEEN

..... Petitioner

Through Mr. K.B. Andley, Sr. Advocate with
Mr. M.L. Yadav, Mr. Lokesh Chandra and Mr.
Shamik, Advocates.

versus

STATE OF DELHI & ORS.

..... Respondents

Through Mr. Kushagra Arora, Advocate for
Mr. Pawan Sharma, Standing Counsel for the
State along with ASI Bal Ram, P.S. Inderpuri.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% **29.09.2010**

1. Learned counsel for the State prays for and is granted permission to place on record status report. As per the status report, last FIR was registered against the petitioner in November, 1998. Thereafter, one calandra under Section 107/151 Cr.P.C. was registered on 3rd June, 1999, but the petitioner was discharged. However, on 4th November, 2005 proceeding under Section 110(G) Cr.P.C. was initiated to bound down the petitioner for good behavior as he was an habitual offender. Full details of these proceedings are not available. It may be noted that as per the status report, the petitioner has been acquitted in three cases and in one case, FIR No. 165/1998, proceedings are still pending trial.

2. The question of entries in surveillance register in bundle A and B has been subject matter of decision in *Sarjeet Singh versus Commissioner of Police and Others*, 2002 CRL.L.J. 3824. The Division Bench has explained the purpose of the entries in the surveillance register

and observed:

“13. We have already referred to the brief scheme of Chapter 23 of the Punjab Police Rules as applicable to the Union Territory of Delhi. We know from the decision in the case of Dhanji Ram Sharma v. Superintendent of Poice, North District, Delhi Police, AIR 1966 SC 1766 : (1966 Cri LJ 1486) that the provisions have been enacted to prevent commission of offences and collect intelligence effecting the public peace. For the efficient discharge of their duties the police officers have been empowered by the Punjab Police Rules to open the history sheets of the suspects. The powers have to be exercised with caution and in strict conformity of the Rules and that a police officer must satisfy that the condition precedent has been satisfied.”

3. The Division Bench also referred to circular dated 21st September, 2000, which requires periodical review of the said list depending upon the conduct of the persons mentioned therein. In the said judgment, it has been accordingly held as under:-

“17. As one goes through the said circular it is clear that instructions have already been issued that Deputy Commissioner of Police must record reasons to keep the persons name in the surveillance register and further that history sheet of suspects whose names are in Bundle ‘A’ or ‘B; should be reviewed periodically. The period of such review has not been mentioned. Indeed once such a review has been done it would be by necessary corollary following that the person concerned has a right to approach the concerned Deputy Commissioner of Police for deletion of his name in the register as maintained on such facts as may be deemed appropriate. It is further directed that it is in the fitness of things that the periodical review should be preferably made after every six months and the overall conduct of the concerned person can be looked into in an appropriate case the name of the

person can be deleted from the register when necessary facts are brought to the notice of the concerned officer.”

4. In terms of the ratio laid down in *Sarjeet Singh* (supra), respondents will examine the case of the petitioner in accordance with law and their circular dated 21st September, 2000 and inform the outcome to the petitioner within a period of three months from the date copy of this order is received.

The writ petition is disposed of.

DASTI.

SANJIV KHANNA, J.

SEPTEMBER 29, 2010
VKR