

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.13270 of 2016

Date of decision: 2nd September, 2016

Chandan alias Chandu

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vikram Satpal, Advocate for the petitioner.

Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab
for respondents/State.

FATEH DEEP SINGH, J.

Learned State counsel has placed on record in a sealed cover the report received from the concerned quarter as to threat perception to the petitioner. The same is opened and placed on record.

Petitioner who is lodged in judicial custody presently alleged to be in Maximum Security Jail, Nabha, District Patiala has moved this Court invoking the provisions of Section 482 Cr.P.C. seeking exercise of inherent jurisdiction for issuance of appropriate directions to the respondent-State to produce the petitioner before the concerned courts with special police protection and escort as there is imminent threat to his life.

The precise grounds are that the petitioner happens to be facing a number of criminal cases which as per his own estimation are around 10 in number at different places in the State of Punjab which he

has detailed in his petition and thus, feels threatened over the likelihood of his opponents that they might liquidate him and hence the prayer in question.

State has taken a stand in its reply and has accepted the fact as to the criminal antecedents of the petitioner and rather staked the plea that it is on account of gang warfare he might be harmed and that the State is taking adequate precautions for his protection.

Upon hearing Mr. Vikram Satpal, Advocate for the petitioner, Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab on behalf of the respondents/State and on perusal of the police field intelligence unit report. Apparently it is reflected from the report of the intelligence that the petitioner Chandan alias Chandu is a notorious gangster, a hardened criminal, facing more than 40 criminal cases registered against him and thus, it is quite apparent that on account of the own past conduct the petitioner has put his life to peril. In the light of these threats and the obligation of the State in ensuring due protection to life of its citizens even if the person is having a criminal background, cannot be denied the protection that crystallizes within the ambit of Article 21 of the Constitution of India.

Since as has been brought to the notice of this Court by learned State counsel that the petitioner as a mark of security necessity is being lodged in Maximum Security Jail at Nabha, thus a reasonably safer place in view of the apprehending danger to his life. But at the same time, it is the stand of the State and what forms the major chunk of

his allegations which are directed against one Jaswinder Singh alias Rocky, another notorious gangster who has since been eliminated in a similar gang warfare.

Apparently, the plea of the petitioner's counsel does not impresses the Court much but however, to ensure safety of the petitioner and to ward-off any such untoward incident it would sub-serve the ends of justice in the exercise of inherent powers of this Court if directions are issued to the State authorities to the effect:

1. It be ensured that unless or until it is of utmost necessity the petitioner be not taken out of the jail in routine and if it is so necessitated would take necessary security precautions to ensure that no such unwanted incident takes place. His transition if so necessitated would be kept an utmost secret by the Superintendent of the jail concerned and would not be leaked as is normally done in routine. The security personnel so deputed are dedicated and fully briefed and apprised of their duties and the threat perception, and to ensure that they strictly adhere to the norms of protection of an under-trial in a Court of law and by no means it be permitted to allow either the security officials or the petitioner to wander-off at leisure as per the desires and wishes of these persons.
2. All Courts in the States of Punjab and Haryana wherever the petitioner is required, the Presiding Officer needs to ensure if possible that the necessary legal formalities/trials are

undertaken through the process of video conferencing strictly as per the laid rules and norms as it would lessen the burden on the State Exchequer as well as threat to security perception.

3. The Courts shall not unduly insist on production of the petitioner before them unless or until there is a material question of identity that necessitates it so.
4. The Superintendent of the concerned Jail shall ensure that there is no free access for the visitors to the petitioner and anyone wishing to meet him is properly frisked and after obtaining the consent of the petitioner such a process shall be undertaken strictly as per the jail manual and during his custody in jail the petitioner is not allowed to freely mix with every other inmates so that there is minimizing of threat perception.

In the light of the same, present petition stands disposed off.

A copy of these orders be sent to the Superintendent, Maximum Security Jail, Nabha, District Patiala through Secretary (Home), Punjab.

(FATEH DEEP SINGH)
JUDGE

September 2, 2016

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No