

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7825 of 2014

Date of decision: January 19, 2016

Amrik Singh and another

.... Petitioners..

Versus

State of Punjab and others

.... Respondents..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: None for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab,
for respondents No.1 to 3.

Mr. Rakesh Kumar, Advocate,
for respondents No. 4 and 5.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Jaspal Singh, J. (Oral)

Instant petition has been preferred under Section 482 of the Code of Criminal Procedure seeking directions to respondents No.2 and 3 to take action as per law against Hari Dev, Jail Superintendent, Open Jail Nabha, District Patiala, Punjab and Harbhajan Dass, HC, 4064, Open Jail Nabha, District Patiala, Punjab.

2. During the pendency of instant petition, Id. District and Sessions Judge, Sangrur was directed to hold an enquiry in the allegations made against Jail Superintendent, Nabha and HC Harbhajan Dass. Pointed allegations were made against them in

respect of theft of canal water, fertilizer besides indulging in uncalled activities. Enquiry report has been submitted and received in this Court as is evident from order dated March 13, 2015.

3. After enquiry report was received in this Court, neither the petitioners nor their counsel opted to appear in the Court. It appears that on coming to know about the conclusion arrived at by the Id. District Judge, Sangrur, the petitioners intentionally slipped away from the proceedings. It would be relevant to refer the conclusion arrived at by the Id. District & Sessions Judge, Sangrur, which reads as under:-

“In view of aforesaid discussion, it is crystal clear that allegations levelled by the petitioners in the petition against respondents No. 4 and 5 remain unsubstantiated and the complaints made by the petitioners against respondents No. 4 and 5 did not find favour with the inquiring authorities of police and rather, it has come on record that conduct of petitioner-Amrik Singh in the jail was unacceptable due to which jail superintendent had to make representations against said inmate-petitioner Amrik Singh before various authorities; that petitioner Gurmeet Singh was diabetic patient and thus, he was unable to do hard work in the jail; that on account of poor conduct of inmate-petitioner Amrik Singh and poor health of petitioner Gurmeet Singh, respondent No.4 made representations to higher authorities due to which the petitioners were likely to be shifted from Open Jail, Nabha and in that eventuality, they could have been deprived of one year remission in their sentence of imprisonment. In these circumstances, it seems that both the petitioners filed petition against respondents No. 4 and 5 as a counter blast to those representations presumably to overawe and to deter them from taking any step for shifting them to some other jail from

Open Jail, Nabha. Therefore, from the above discussion, the inescapable conclusion is that the allegations of the petitioners against respondents No. 4 and 5 are patently wrong.”

4. In view of the report referred to above, this Court does not find any substance in the instant petition. As such, the same is dismissed.

January 19, 2016
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(JASPAL SINGH)
JUDGE