

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-8758 of 2015
Date of decision: March 03, 2016.

Prem Pal Singh

... **Petitioner**

v.

State of Punjab and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Baljinder Singh, Advocate for the petitioner.

Mr. Amritpal Singh Gill, Asstt. Advocate General, Punjab.

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

Kuldip Singh, J. (Oral):

The petitioner has sought the quashing of report dated 12.3.2014 submitted by respondent No.3 whereby he has refused to delete the name of the petitioner from the surveillance Register No.10 maintained by the Punjab Police under the Punjab Police Rules.

I have heard learned counsel for the parties.

A perusal of report dated 12.3.2014 (Annexure R-1/T) shows that the petitioner was alleged to be member of terrorist outfit Babbar Khalsa which had been declared to be an anti-national terrorist organization by the Government of India under Section 35 of the Unlawful Activities Prevention Act, 1967. According to the report, the petitioner was convicted and sentenced in FIR No.319 dated

9.7.1985 under various Sections of IPC. He has already served the term of the sentence in that case. Some other cases were also registered against the petitioner in which he has been acquitted due to lack of evidence. Therefore, being highly suspicious, his name has been recorded in the Union War Book and in Register No. 10. It is further stated an FIR No.144 dated 5.9.2013, under Sections 17, 18, 20 of Unlawful Activities Act, 1967, Sections 153-A/120-B IPC, 25 of the Arms Act and Section 66 of the Foreign Act has been registered at Police Station Fatehgarh Sahib.

The police has the power to keep the surveillance of the persons having terrorist background. Therefore, if necessary, the surveillance can be kept on him.

I am of the view that merely because of conviction in one case, sentence of which he has already served, the name of the petitioner cannot be kept in Register No.10. If the petitioner commits some crime, he can always be booked. However, without recording his name in Register No.10, the police can keep surveillance over the activities of the petitioner and if he commits the crime, legal action can be taken against him. The apprehension of the State is that the petitioner will come in contact with the persons having terrorist background. In that case if the petitioner commits some crime, he can always be booked and arrested. However, the act of the police in entering name of the petitioner in Register No.10, which is meant for habitual offenders, is unjustified.

Accordingly the impugned report dated 12.3.2014

(Annexure R-1/T), recording the name of the petitioner in Register No.10 maintained by the Punjab Police is quashed and the name of the petitioner is ordered to be struck off from the said Register. However, the police shall always be at liberty to keep surveillance on the activities of the petitioner and if it finds that the activities of the petitioner are suspicious and if the petitioner commits any crime, he can always be hauled up for the same.

The petition is accordingly allowed in the above noted terms.

March 03, 2016.
kadyan

[Kuldip Singh]
Judge