

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

**CRWP No.473 of 2015
Date of decision: 04.07.2016**

Sunil Kumar

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G., Haryana.

Ritu Bahri, J.

The petitioner is seeking quashing of the punishment dated 10.09.2014 (Annexure P-1) awarded by the Superintendent, District Prison, Jhajjar-respondent No.2, which has been further appraised by the Sessions Judge, Jhajjar vide order dated 28.09.2014 (Annexure P-2).

Sunil Kumar-petitioner was undergoing sentence in District Jail, Rohtak. On 10.09.2014, at about 8.30 a.m., when warder Ashok Kumar was counting the prisoners, Sunil Kumar-petitioner did not come out. When Warder Ashok Kumar asked him to wake up, he (Sunil Kumar) started abusing and quarreling with him. In this process, he tear his uniform and threatened to eliminate him, thereby he had contravened the provisions of Punjab Jail Manual. Vide impugned order dated 10.09.2014 (Annexure P-1), he was ordered to be confined in the security cell for a period of one month. The said order has been appraised by the Sessions Judge, Jhajjar

vide order dated 28.09.2014 (Annexure P-2).

During the pendency of this petition, period of one month has already been gone by.

In the reply filed by respondent Nos.1 to 3, details of punishments awarded to the petitioner during his jail custody have been given, which are as under:-

- “(a) On 04.03.200- Remained absent from parole from 24.09.2004 to 03.03.2005 and a case FIR No.255 dated 25.10.2004, Under Sections 8/9 H.G.C.P. Act, 1988 was registered against the convict at P.S. Kharkhoda and was acquitted by the learned Court of C.J.M., Rohtak vide order dated 19.01.2006.
- (b) On 07.09.2005- Found consuming intoxicants along with other three prisoners on the request of the convict that his name was falsely dragged, it was ordered to keep him in the close supervision for a period of twenty (20) days. The negligent amount of intoxicant was ordered to be destroyed.
- (c) On 11.04.2007- Quarreled with fellow prisoners and injured themselves and was issued warning.
- (d) On 01.09.2007- Surrendered after lockup on due date after expiry of four weeks parole and was issued warning.
- (e) On 26.09.2008- Quarreled with fellow prisoners and was issued stern warning.
- (f) On 21.02.2009- Surrendered after lockup on due date after expiry of two weeks furlough and was issued stern warning.
- (g) On 19.07.2012- surrendered after lockup on due date after expiry of two weeks furlough and was issued warning.”

It has been further stated that while imposing the aforesaid punishment, due procedure was followed and statements of co-prisoners of the petitioner were recorded, which are annexed as Annexure R-1. The petitioner was also given adequate opportunity to cross-examine the said witnesses.

In view of the reply filed, this Court is of the view that the impugned punishment has rightly been awarded as per the Punjab Jail Manual. As far as the prayer for setting aside the punishment order is

concerned, the same does not survive any more as period of one month has already been gone by.

Resultantly, this petition is dismissed.

04.07.2016
ajp

(RITU BAHRI)
JUDGE