

CWP-26026-2015

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

CWP-26026-2015

Date of Decision: 13.05.2016

Rajbir Singh Sekhon

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the 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 ?

Present: Ms. Amrita Verma, Advocate for
Mr. A.P.S.Randhawa, Advocate for
the petitioner.

Mr. S.S.Chandumajra, Addl. A. G.Punjab.

Ms. Tarunpreet Kaur, Advocate,
for respondent No.6

Mr. Vaibhav Sehgal, Advocate,
for respondent No.9.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for issuance of direction in respect of appointment of a warrant officer/commissioner for visiting the Central Jails, Jalandhar and Kapurthala and submit report regarding unjustifiable privileges enjoyed by the convicts.

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I have heard learned counsel for the parties and perused the record.

It has been brought to the notice of Court that earlier, the petitioner filed similar petition which has been disposed of vide order dated 25.01.2016 which reads as under:

“The present petition was registered on the basis of a Note dated 10.08.2015 of the Hon'ble Administrative Judge of Gurdaspur Sessions Division to treat the complaint of Rajbir Singh Sekhon as a petition under Section 482 Cr.P.C. for direction.

The complaint is regarding the prayer for shifting of four accused as under-trial to different jails in the Punjab in the light of special treatment being given to them at District Jail Gurdaspur as reflected from the report of learned District & Sessions Judge, Gurdaspur.

At the time of hearing, reply by way of affidavit dated 23.01.2016 of Sh. Daljit Singh, Deputy Superintendent, Central Jail, Gurdaspur has been filed, which is taken on record. Copy of the same has been furnished to learned opposite Counsel.

Learned State Counsel, based on the contents of the affidavit, submits that the named accused have since been convicted by the trial Court, vide judgment dated 03.08.2015 and have already been transferred to different prisons and at present, they are in Central Jail, Jalandhar at Kapurthala, Central Jail Gurdaspur and Sub Jail Pathankot. It is further submitted that they are being treated like other convicted persons as per the Punjab Jail Manual. It is further submitted that the Inspection Note dated

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29.08.2013 of learned District & Sessions Judge, Gurdaspur regarding the special treatment given out to the accused under-trial is concerned, was examined and action in accordance with law has already been taken for the violations. It is further submitted that an FIR No.167 dated 27.09.2013 for the offence punishable under Section 52-A of the Prisons Act already stands lodged against jail officials concerned.

In view of the above, no further orders are required to be passed in the present case.

Accordingly, the present petition is disposed of.”

Since FIR has already been registered against the jail officials, no further orders are required to be passed in the present case.

Disposed of.

13.05.2016

parveen kumar

**(Paramjeet Singh Dhaliwal)
Judge**