

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

CWP-9503-2015

Date of decision : 01.02.2016

Darshan Singh

..... Petitioner

Vs

State of Punjab & Ors.

..... Respondents

Coram : Hon'ble Mr. Justice Rakesh Kumar Jain

Present: By Order.

Mr. V.Ramswaroop, Addl. A.G., Punjab.

Rakesh Kumar Jain, J. (oral)

This matter has been listed on the judicial side as a writ petition on the orders passed by the Administrative Judge during the Inspection of jail at Bathinda.

In brief, Darshan Singh son of late Gurdeep Singh made an application in which he had averred that his father was a Taxi driver who has died in Central Jail, Bathinda on 11.07.2014 due to the negligence of the Jail Authorities. He has also averred that there are six members in his family i.e. three sisters, two brothers and his mother and being the elder son, the entire responsibility of his family has shifted upon him. It is also averred that he is a Scheduled Caste (Sirki Band) and demanded assistance for the marriage of his sisters and job in some Government sector as per his qualification and eligibility.

Notice of motion was issued to the State of Punjab. Pursuant to which the respondent State has filed reply by way of an affidavit of Sukhwinder Singh, Superintendent, Central Jail, Bathinda. It is mentioned in the reply that Gurdeep Singh son of Hardass Singh was admitted in Central Jail Bathinda on 7.7.2014 as an under-trial prisoner in case FIR No. 111 dated 6.7.2014 under Section 61 of the Excise Act registered at Police Station Canal Colony, Bathinda.

On 11.7.2014, Gurdeep Singh (since deceased) was allowed bail by the Court of ACJM, Bathinda. The said order was received in the Central Jail, Bathinda at about 5 p.m. After completing the formalities to release the deceased, intimation was sent to Chakkar Hawaldar to inform the deceased about his bail orders and to bring him to under-trial warrant office for release. Upon receipt of message of release the deceased went for bath but unfortunately he fell down and he was brought to the Jail Hospital with the help of Warder Sh. Jasvir Kumar (Belt No. 3233) and other jail inmates. Dr. Gurjeet Singh, Medical Officer, Central Jail, Bathinda, after preliminary examination, provided best medical assistance available at Central Jail, Bathinda to the deceased and thereafter referred him to Civil Hospital, Bathinda, where he was declared brought dead by the Doctors.

Death of under-trial Gurdeep Singh was conveyed to District Magistrate, Bathinda, National Human Rights Commission and higher ups by TPM No. 2223 dated 11.07.2014

as well as the members of his family.

On 12.7.2014, Inquest/Magistrate Enquiry of deceased Gurdeep Singh was conducted by Tehsildar-cum-Executive Magistrate, Bathinda. Videography of postmortem examination was also done.

Judicial Enquiry was also conducted by the Chief Judicial Magistrate, Bathinda, who had filed his report dated 18.3.2015 through District & Sessions Judge, Bathinda vide letter dated 24.3.2015 to the Punjab State Human Rights Commission, in which it is concluded by the Enquiry Officer that the deceased died a natural death and he was tried to be given best medical facilities available with the Jail Hospital. Punjab State Human Rights Commission and National Human Rights Commission had taken cognizance of the case on 16.7.2014 and 17.7.2014, respectively. Punjab State Human Rights Commission, vide its order dated 4.5.2015, had observed that deceased died his natural death and no negligence was found on the part of any public servant in performance of his duties.

It is further averred that though the Government of Punjab has issued a notification dated 4.2.2013 for providing compensation to the legal heirs of prisoners who died in the situations mentioned in the Policy itself but there is no such policy issued by the Government of Punjab to provide job to the legal heirs of the prisoners.

The case of the deceased did not fall within the parameters of the said policy, so nothing has been given to him.

I have gone through the reply as well as the facts and circumstances arising therefrom and am satisfied with the report of the Enquiry Officer, CJM dated 18.3.2015 as also report of the Punjab State Human Rights Commission that death of the deceased had not occurred due to the negligence of the staff of the Jail Authorities. He had suffered a natural death.

In view of the above, the present petition is hereby disposed of having become redundant.

(RAKESH KUMAR JAIN)
JUDGE

01.02.2016

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