

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

**Criminal Misc. No.M-35639 of 2015
Date of Decision: 14.07.2017**

Kulbir Singh @ Kulbira

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. G.S. Sidhu, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.52 dated 16.4.2015 under Sections 307, 323, 336, 353, 186, 506, 436, 148, 149, 120-B IPC, Section 25 of the Arms Act and Section 540 of the Jail Manual Act registered at Police Station Civil Lines, Bathinda, District Bathinda.

On 21.10.2015, this Court passed the following order:-

“The petitioner is involved in twelve other FIRs, reflected in the custody certificate dated 20.10.2015, issued by the Deputy Superintendent, Central Jail, Patiala.

The learned counsel for the petitioner contends that the trial Court has admitted all the co-accused with similar allegations and involvement in same number of FIRs.

The learned State counsel is unable to respond to the query of the Court as to how the pistol, allegedly recovered from the petitioner, came to his possession. However, she on instructions, states that the competent authority has already initiated inquiry in this regard.

Post again on 17.11.2015.

In the meantime, the State shall place on record the antecedents of the accused and the complainant(s).

Thereafter, on 4.12.2015, without adverting to the merits of the instant case, but taking into consideration the fact that the other co-accused of the petitioner have been released on bail, this Court admitted the petitioner on bail during the pendency of trial, however, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court. Learned State counsel had also made a statement that in order to ascertain as to in what manner pistol entered the jail premises, inquiry has been ordered and the status of the inquiry shall be placed on record on the next date of hearing.

However, since the assured inquiry was not concluded within the time frame given by this Court, this Court, vide order dated 6.4.2017, was constrained to direct the Director General of Police (Jail) to remain present in Court. Accordingly, the ADGP (Prisons) put in appearance in this Court on 17.4.2017 and assured that the inquiry with regard to officials except Superintendent of Jail, who is not within his domain, shall positively be completed within four weeks.

Learned State counsel has now filed additional affidavit dated 14.7.2017 of Mr. Gaurav Yadav, Additional Director General of Police, Prisons, Punjab in Court which is taken on record. Paragraphs 2 and 3 of the aforesaid affidavit read as under:-

“2. That in earlier affidavit dated 30.5.2017, the office of deponent filed the status report regarding the present position of departmental inquiry against the delinquent officials. In the reply, it was stated that the departmental inquiry has been concluded and the punishment of withholding of one increment with cumulative effect to Sh. Balbir Singh, Assistant Superintendent of Jail and Sh. Labh Singh, Warder, Belt No.1193 has been awarded each. However, the punishment of 1% cut in the pension of Sh. Harbans Singh, Head Warder (now retired) for the period of one year has been awarded by Additional Director General of Police, Prisons, Punjab.

3. That as far as the position of departmental inquiry against Sh. Manjit Singh, Deputy Superintendent is concerned, in this regard, it was stated in the earlier affidavit filed by the office of deponent that Sh. Manjit Singh, Deputy Superintendent Jail has been found guilty in the inquiry report dated 06.02.2017 conducted by Sh. R.C. Nayyar, IAS (Retd.). The opportunity of personal hearing has been given to him on 23.05.2017 by Additional Chief Secretary, Home Affairs and Jails, Government of Punjab. The conclusion of the departmental inquiry is at final stage.

Now, the punishment has been awarded to Sh. Manjit Singh, Deputy Superintendent by the Additional Chief Secretary, Home Affairs and Jails, Government of Punjab for withholding of three increments of pay with cumulative effect with further direction that he will not earn increment of pay during the period of such reduction and on the expiry of such period of reduction will have the effect of postponing the

future increment of his pay vide memo no.1/319/2014-1J/1003124/1 dated 14-06-2017.”

Learned State counsel, on the premises of aforesaid affidavit, states that required action has been taken against the delinquent official and no further action is called for in this petition.

In this view of the matter, the present petition no more survives.

Disposed of, as such.

July 14, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No