

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP 442-2017 (O&M)
Date of decision: 18.08.2017

Gurpriar Singh Bhatti

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Narinder Sharma, Advocate for the petitioner
Mr.C.L.Pawar, Senior Deputy Advocate General, Punjab

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Heard.

Reply by way of short affidavit on behalf of the respondent no.6 filed in Court is taken on record. Prayer of the petitioner is for taking appropriation criminal/ departmental action against respondent no.7 i.e. Smt.Pooja Syal, Sub Divisional Magistrate, Mini Secretariat, Patiala for the illegal detention of the petitioner and keeping him in Central Jail, Patiala for 9 days. Reply of the State shows that the petitioner was admitted in the Jail as an uner trial on 10/11.10.2016, in case DDR No.16 dated 10.10.2016 registered under Sections 107/151 Cr.P.C. at Police Station Model Town, Patiala by the order of Sub Divisional Magistrate, Patiala. He was released on bail on 18.10.2016.

I am of the view that the Sub Divisional Magistrate, issued the

order in exercise of judicial powers. Learned counsel for the petitioner states that he was never ordered to be released on bail. It is not the case of the petitioner that he offered to furnish the bail as the offence was bailable. Since the order was passed in exercise of judicial powers, there is no ground to order departmental action against the Sub Divisional Magistrate or grant compensation to the petitioner.

The present petition stands dismissed accordingly.

18.08.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No