

IOIN-CRA-D-719-DB-2003

APNINDER SINGH & ANR. VS. STATE OF PUNJAB

Present: Convict Apninder Singh with Mr.S.S.Swaich, Advocate.

Convict Rajesh Kumar with Ms.Simran Chahal, Advocate
for Mr. Vishal Sharma, Advocate.

Mr. Atul Nanda, Advocate General, Punjab with
Mr.SPS Tinna, Addl.A.G. Punjab.

In sequel to the directions issued by this Court, both the
convicts are present in the Court.

Sh.Sukhchain Singh Gill, Commissioner of Police, Ludhiana,
has filed an affidavit dated 11.01.2019 explaining the circumstances in
which both the convicts could not be produced before the Court. The
contents of both the affidavits filed on 07.01.2019 and 11.01.2019 are at
variance / contradictory. However we have restrained ourselves to delve in
the matter deeply since Mr. Sukhchain Singh Gill, Commissioner of Police,
Ludhiana, who is present in Court, has tendered unconditional, unqualified
apology and assured the Court to comply with the orders of the Court
punctually and faithfully. We accept the apology.

In view of this, we recall our earlier order dated 07.01.2019. It
is clarified that no disciplinary proceedings shall be initiated against the
Commissioner of Police, Ludhiana; SHO, Police Station Division No.3 as
well as ASI Jagdish Rai.

Learned Advocate General, Punjab has filed an affidavit stating
therein that higher powered committee shall meet at 3.00 P.M. today itself
to discuss the following agenda:-

- “a) To formulate a policy/ instructions to lay out a
procedure to be followed by the Police officer to ensure
compliance of orders passed by the Hon'ble Courts.
- b) To formulate a plan to ensure the production of

convicts/ accused before the Hon'ble Courts, as and when directed by the Hon'ble Court.

c) To have a field formation in place to implement various orders passed by the Hon'ble Courts.

d) To issue standing instructions/orders directing the officers to ensure that affidavits to be filed in Court are of the same officer to whom a direction has been issued or whose post is specifically mentioned in the Court order.

e) In order to ensure timely compliance of the orders of the Court a procedure would be laid down so that the Law Officer appearing in the Court are apprised of the factual matrix of the case at hand, well in advance.”

We direct the State of Punjab to notify the decision and to implement the same in letter and spirit to maintain rule of law.

We have heard learned counsel for the convicts on the quantum of sentence.

Learned counsel for the convicts have vehemently argued that the convicts are sole bread earners of their families. They have already undergone more than 6 years of imprisonment. They have prayed that lenient view may be taken.

Accordingly in the interest of justice and in view of the peculiar facts and circumstances of the case, the convicts are sentenced to the period already undergone by them.

Ordered accordingly.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

January 11, 2019.
Davinder Kumar