

CWP-14269-2015

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14269-2015

Date of Decision: March 19, 2019

Ram Pal

... Petitioner

vs.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. K.D.S.Hooda, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G.Haryana.

ARUN MONGA, J

The present petition has been filed, *inter alia*, for issuance of a writ in the nature of *mandamus* directing the respondents No. 1 to 3 to hold an inquiry into the alleged atrocities committed upon the petitioner when he was taken in judicial custody on 19.11.2014. Further relief has been sought to take consequential action against the erring officials pursuant to the contemplated inquiry as prayed for.

2. In the reply filed by respondents No. 1 to 3 through Director General of Prisons and also a separate reply filed by Superintendent of Jail, Central Jail-II, Hisar (respondent No.4), it has been stated that the petitioner is an under trial prisoner in following cases:

“(i) FIR No. 426 dated 17.11.2014, U/s 332/353/186 IPC, PS Barwala pending in the Ld. Court of Sh. Mukesh Kumar JMJC, Hisar fixed for 28.01.2016.

(ii) FIR No. 427 dt. 18.11.2014, U/s 147/149/188/342 IPC, PS Barwala pending in the Ld. Court of Sh. Mukesh Kumar JMIC, Hisar, fixed for 28.01.2016.

(iii) FIR No. 428 dt. 18.11.2014, U/s 107/147/148/149/186/188/120-B/121/121-A/122/123/124/125/332/353/326 A/435/333/342/307/436 IPC & 25/54/59 A. Act & 3,4 Explosive Act, 3,4 PPD Act 16,18,20,2C, 23 T.U.A.P Act 1967 PS Barwala District Hisar pending in the Ld. Court of Sh. S.K.Sharma ASJ Hisar fixed for 01.02.2016.

(iv) FIR No. 429 dt. 19.11.2014, U/s 343/302/120-B IPC, PS Barwala PS Barwala pending in the Ld. Court of Sh. S.K.Sharma ASJ, Hisar fixed for 01.02.2016.

(v) FIR No. 430/2014, U/s 343/302/120-B IPC PS Barwala pending in the Ld. Court of Sh. S.K.Sharma ASJ, Hisar fixed for 25.01.2016

(vi) FIR No. 443 dt. 28.11.2014, U/s 420 IPC 7/10/55 Explosive Act PS Barwala pending in the Ld. Court of Sh. Sohan Lal Malik JMIC, Hisar, fixed for 28.01.2016.

(vii) FIR No. 446/2006, U/s 419/420/467/468/469/120-B IPC PS Civil Line Rohtak pending in the Ld. Court of Sh. Amarjit Singh, JMIC, Rohtak fixed for 03.02.2016.

(viii) FIR No. 198 dated 12.07.2006, U/s 148/323/302/307/149/120-B IPC & 25/27/30/54/59 A. Act PS Sadar Rohtak pending in the Ld. Court of Sh. Ashwani Kumar Addl. Sessions Judge Rohtak fixed for 18.02.2016.

(ix) FIR No. 4/13, U/s 295-A/120-B IPC, P.S.Samrala pending in the Ld. Court of Sh. Rajkaran JMIC, Samrala (Pb.) fixed for 28.01.2016.”

3. Learned counsel for the respondent(s) submits that apart from on going cases as mentioned above, the petitioner has been convicted in two murder cases and has been awarded life imprisonment and is undergoing punishment as a convict in the jail.

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4. As regards the prayer for conducting an inquiry, learned State counsel submits that the writ petition is rendered infructuous as the contemplated inquiry, prayed by the petitioner, was directed and pursuant thereto, Inspector General, Jail, Haryana, conducted an inquiry and submitted his report dated 14.09.2015 which has been placed on record as Annexure R3/T.

5. Learned State counsel argues that even prior to filing of the petition, based on the same allegations, the petitioner had filed an application before the Judicial Magistrate 1st Class, Hisar, seeking transfer of his Jail and the same was disposed of vide a detailed order dated 23.02.2015 (Annexure R10). The said order of the learned JMIC, Hisar, was challenged by the petitioner in a revision petition before the learned Sessions Court and later the said revision was withdrawn.

6. Learned State counsel further argues that in view of his having withdrawn the revision petition before the Sessions Court, the present writ petition ought to be dismissed on this ground alone.

7. Per contra, learned counsel for the petitioner submits that even though the allegations with regard to the prayer for seeking change of jail were same but the relief claimed before the learned JMIC, Hisar was entirely different. He contends that the present petition has been filed to take appropriate action against the erring officials.

8. Be that as it may, I have gone through the contents of the inquiry report submitted by the Inspector General of Police and I do not find any infirmity in the same and, therefore, the prayer of the petitioner to take any action pursuant to the inquiry report is rejected.

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9. As regards the prayer for seeking *mandamus* to conduct the inquiry, the same is rendered infructuous in view of the inquiry having already been conducted by Inspector General of Police.

10. In view of my discussion above and reasoning contained therein, the present petition is dismissed.

March 19, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No