

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

CWP-15134-2015 (O&M)
Date of decision : 29.05.2019

Karamjit Singh Bhullar

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Thind, Advocate,
for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

Respondent Nos.4 and 5 *ex parte*
vide order dated 17.12.2018.

JITENDRA CHAUHAN, J. (Oral)

Prayer in the instant petition is for issuance of a direction to the official respondents to investigate the matter regarding supplying the intoxicants which were recovered from the prisoners in Central Jail, Ferozepur.

It is submitted that on the basis of his complaint, the matter was looked into by the Chief Probation Officer attached with DGP (Prisons). As per his report dated 11.11.2011 (Annexure P-19), 120 intoxicating capsules were recovered from three accused, however, no action has been taken by respondent No.5 in the present case.

On the other hand, learned State counsel submits that the petitioner is habitual of filing false petitions before this Court. As far as the

recovery of 120 intoxicating capsules from the prisoners is concerned, it is submitted that the said recovery was effected by Gurdip Singh Waring, the then Assistant Superintendent (OPS), Central Jail, Ferozepur and not by the petitioner. Further at the time of routine checking, two mobile phones were recovered from prisoners and an entry in this regard was made in concerned register at page No.12. Subsequently, the petitioner also mentioned the fact of recovery of 120 capsules against the said entry by tampering the register. The petitioner was issued charge-sheet under Rule 8 of the Punjab Civil Service (Appeal and Punishment) Rules, 1970 for helping bad elements and prisoners in the jail, to which he submitted his reply. On finding the reply unsatisfactory, a detailed independent inquiry was got conducted through Mr. JPS Puri, retired IAS Officer. The Inquiry Officer submitted the inquiry report on 11.02.2011, in which the charges levelled against the petitioner were proved. Thereafter, punishment of stoppage of one annual increment with cumulative effect was imposed on him. In appeal, though, the punishment was set aside but the petitioner was instructed to be vigilant in future.

Heard.

It is to be noticed that in CRM-M-2569-2011, preferred by the present petitioner, reply on behalf of respondent Nos.1 and 2 therein was filed by way of affidavit of present respondent No.2. In the said affidavit, it was submitted in para No.5 of the reply on merits that on 19/20.6.2009, only two mobile phones make Nokia were recovered from barrack no.3 from inmate Harchand Singh son of Mehar Singh and no other material like intoxicant tablets were ever recovered from the said inmate. It was further

asserted that the petitioner had himself, mischievously mentioned the words “120 intoxicant capsules” in the margin towards left side in the Day Report Book.

However, the enquiry report dated 05.12.2013 (Annexure P-20), prepared by the Superintendent, Modern Central Jail, Faridkot, records to the contrary. The relevant portion of the enquiry report reads thus:-

“Conclusion : From my till date secret and detailed investigation and after going through the statements and records taken, it came in front that Karamjit Singh Bhullar recovered the 120 intoxicant capsules on 19/20.6.2009 which was also verified by Head Warder Darshan Chand No.2035, Gurdeep Singh, Assistant Superintendent, Central Jail, Ferozepur, in his statement and the entry in this regard is also made in the night report book at page 159 and 160 and day report book. As per the statement of Head Warder Darchan Chand, night report book, intoxicant capsules and convict was produced before the Superintendent Jail of that time Sh. Sukhdev Singh Saggu, Although, Sh. Sukhdev Singh Saggu stated in his statement that he has no knowledge regarding these 120 intoxicant capsules and it was also stated by him that he has no direction relations with the convicts which is found not believable because the every report is produced before the Superintendent Jail and the Superintendent Jail is having the direct relation with the convicts. Regarding the question of cutting of 120 capsules are concerned then there is no doubt that the cutting was done in a report book and the cutting was not done on a complaint report instead the same was done only on the figure 120. But if the cutting is made on the figure of 120 then it is

made clear that the intoxicant capsules were definitely recovered.

Darshan Chand Asstt. Superintendent, Central Jail, Ferozepur was doing a duty of Line Officer at that time, who has recorded in his statement that Karamjit Singh Bhullar was on the duty of night officer on 19/20.6.2009 and he recovered the intoxicant capsules from the convict and made an entry in the report book of night and day and produced the same before the Superintendent of that time Sh. Sukhdev Singh Saggu and after going through the register he told to Karamjit Singh that to make an entry in the register no.5 of the circle and why he made an entry in these registers. On that entry the line was marked by the Superintendent. Instead of this, the relation between Karamjit Singh, Asstt. Superintendent and the Superintendent Jail of that time Sukhdev Singh Saggu was not shown as cordial. From which, it is found that the cutting in a night report book was done by from either of these both or by the Line Officer on that time Darshan Chand, Asstt. Superintendent. Because day and night report books were lying with the Line Officer and it is also observed that to hide his mistake he mentioned the name of Sh. Sukhdev Singh Saggu, Superintendent Jail. Therefore, the cutting in a night report book was done by either one of these three, which required the serious department enquiry, therefore, for conducting of departmental enquiry is recommended.”

Thus, recovery of 120 intoxicant capsules was found to be effected by the petitioner, which was verified by Darshan Chand. It was duly entered by the petitioner in the report book at page No.159-160 on

which cutting was made by respondent No.5 along with respondent No.4 who have been proceeded against ex parte.

Learned State counsel informs that show-cause notice was issued to Assistant Superintendent, Central Jail-Darshan Chand for making a statement before the Superintendent, however, no substance was found in the charge-sheet.

In view of the above, the State is directed to take necessary action as per law against respondent No.2, who has furnished an affidavit against the facts as well as respondent Nos. 4 and 5, who have mutilated the official record.

The needful be done within four months from today and report in this regard be sent to the Registrar General of this Court.

Disposed of, accordingly.

29.05.2019
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No