

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8593-2021(O&M)

Date of decision: 22.04.2021

Sukhjinder Randhawa

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Hardik Ahluwalia, Advocate for the petitioner

ANIL KSHETARPAL, J.

Through this writ petition, the petitioner has prayed for the following substantive reliefs:-

- i) Issue a writ in the nature of Prohibition or any other appropriate writ, direction or order directing the respondents to withdraw the son of the petitioner (Sikander Singh) from solitary confinement which is totally illegal and arbitrary and against the law.
- ii) Issue a writ in the nature of Mandamus or any other appropriate writ, direction or order directing the respondents to protect the life and liberty of the petitioner's son and for grant of any other relief which this Hon'ble Court may deem fit in the facts and circumstances of the present case.”

The petitioner claims that her son Sikander Singh s/o Inderpal Singh is facing criminal trial in the following cases:-

a) FIR No. 004 dated 15.03.2020 Police Station State Special Operation Cell Amritsar under sections 379-B, 382, 399, 402 IPC Section 15, 17, 18-B of the Unlawful Assemblies Act read with section 25, 54, 59 of the Arms Act.

b) FIR no. 66 dated 19.06.2015 Police Station Jhabal under sections 302, 341, 120-B, 34 IPC read with sections 25, 27, 54, 59, Arms Act.

c) FIR no. 35 dated 13.02.2012 at Police Station City Tarn Taran under sections 302, 148, 149 IPC with sections 25, 27, 54, 59 of the Arms Act.

It is claimed that the petitioner's son is being solitarily confined on account of a tyrannical order of the Punjab Prison Department to shift 41 prisoners including a number of gangsters in a proposed 'communication dead zone' having no mobile connectivity. It is further asserted that the petitioner's son is being confined behind bars each day for 22-23 hours and the inmates are left out in the open only for a period of 1-2 hours.

The petitioner has neither annexed the alleged the order passed by the Punjab Prison Department nor disclosed whether the order has been passed by the Prison authorities as a jail punishment or not.

Undisputedly, the petitioner's son is facing prosecution as a under trial in the courts. Keeping in view the aforesaid facts, it would be more appropriate to relegate the petitioner to the remedy before the

courts where the petitioner’s son is undergoing trial. Therefore, the petitioner is relegated to the alternative remedy.

Hence, dismissed.

22.04.2021
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasonedYes / No

Whether ReportableYes / No