

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

CRM-M-34147-2020
Date of decision: 23.08.2021

Jagseer Singh @ Jagsir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. K. S. Phoolka, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 140 dated 04.10.2020, registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Raman, District Bathinda.

While confirming the interim bail, granted to the petitioner on 28.10.2020, the following order was passed on 04.03.2021:

“Learned State counsel relies upon instructions/directions issued by the Director, Bureau of Investigation dated 30.10.2020, 07.01.2021 and 25.02.2021.

A perusal of instructions dated 25.02.2021 shows that in 1727 FIRs registered under the Excise Act, the accused had fled away from the spot in the presence of police party. Some explanation has been given based on the information sought from the police officials, however, the same does not reflect anything about the actual action taken to improve the physical fitness of the

police officials, who are deputed on such duties. Para 5 of these instructions reads as under:

“5. (i) Fit and healthy police personnel should be identified at the Police Station and district level.

(ii) Annual Medical check up of all police personnel as mandated should be ensured by all units.

(iii) Regular Physical training should be conducted in the Police Lines and the Police Stations for the physical fitness of the police personnel.”

Similar directions were issued earlier in the aforesaid two letters, however, nothing is stated in this affidavit about any follow up action taken by the Senior Superintendent of Police of the district concerned.

List again on 23.04.2021.

In the meantime, the Director, Bureau of Investigation, Punjab will further file an affidavit deposing about the procedure set up regarding action taken against the SHO concerned or Investigating Officer, where a suspect succeed in running away from the spot in cases under the Excise Act or NDPS Act and the action taken against such person.

Further, in view of the earlier order and in view of alarming situation that in 1727 FIRs in the State, the police officials were unable to catch even old aged suspects, the Director, Bureau of Investigation will seek a report from all the Senior Superintendent of Police regarding the actual physical fitness training imparted to police officials who are overweight and cannot run to catch a suspect by all the Districts.

The affidavit should clearly explain (along with the photographs/videos) regarding actual physical training imparted under medical supervision for keeping

the physical fitness of the overweight police officials; and at first instance such training be given to police official (both men and women) who are below the age of 40 years.”

In compliance with the aforesaid order, affidavit of the Director, Bureau of Investigation, Punjab has been filed in Court today. In the said affidavit, it is stated that the Director General of Police, Punjab has held a VC meeting on 24.02.2021 with all the Range IGPs/DIGs, Cps and SSPs, in which the field officers were sensitized about the serious concerns expressed by this Court about recurring instances/cases in which accused run away from the spot despite the presence of the police personnel/raiding parties. It is further stated that the field officers were directed to depute young and fit police officials to conduct the raids and ensure the physical fitness and training of the police officials at regular intervals either in the police academies or in the District Training Centres/Police Lines and a special camp was run from 01.03.2021 to 15.3.2021 to arrest all such persons who had managed to escape in the presence of police officials.

It is further stated in the affidavit that instructions have been issued to all the training branches, Commissioners of Police and SSPs in the State to start refresher courses in the District Training Schools to ensure physical fitness of the police officials and further to take disciplinary action against the erring officials who fail to nab the offenders and seek explanation in this regard. It is also stated that regular departmental enquiries are initiated in cases negligence, especially in the cases under NDPS Act, 1985 and the Punjab Excise Act, 1914 and if there any lapse, suitable action under the relevant Service Rules be initiated against the officials, who are found to be responsible for the negligence or lapse.

It is further stated that in the letter dated 15.01.2021, the Welfare Branch of the office of the Director General of Police, Punjab intimated that funds to the tune of Rs. 2,97,65,000/- stands released to establish Health and Wellness Centres for welfare of the police personnel in thirteen districts and two Commissionerates in the State and these Health and Wellness Centres shall be established in remaining districts from the funds received from the State Government in the financial year 2020-2021 and detailed instructions have already been issued to provide the Indoor and Outdoor Gyms, Physio-Therapy Rooms, Yoga and Meditation and Counselling Rooms. It is also directed that mandatory review of the health conditions of the police personnel be conducted and some regular medical check ups are undergoing including Yoga and physical activity sessions, for which photographs and CDs of the districts are attached with this affidavit.

A perusal of the photographs shows that many police officials, who seem to be overweight, are undergoing physical training courses at different places, however, it is not clear whether it was conducted at regular basis or just for the purpose of taking such photographs or just for one or two days, such exercise camps were organized.

Considering the fact that the affidavit demonstrates some actual action being taken for ensuring the physical fitness of the police personnel as well as for initiating departmental proceedings against the erring officials, who fail to nab the accused in the cases under NDPS Act or Excise Act, this petition is disposed of with a direction that all the SSPs in the districts will maintain a digital record of all the camps which are held regularly after every three months so as to enable this Court to make a random inspection of the same. While maintaining such digital records, all

the SSPs will also keep the record about the days when the camps have been organized as well as the number of days when such training is imparted to police officials, who are overweight.

23.08.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No