

CRWP No. 9601 of 2020

Date of Decision: 15.01.2021

Kanav Arora and others

.....Petitioners

Vs.

U.T., Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ashish Pal Kaushal, Advocate,
for the petitioners.

Mr. Rajiv Sharma, APP for U.T., Chandigarh.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

On 07.01.2021, the following order had been passed:-

Case heard by video conferencing.

“By this petition, the 36 petitioners herein seek extension of the parole earlier granted to them by the Union Territory, on account of the COVID-19 pandemic.

Mr. Kaushal draws specific attention to the communication/order issued by the Additional Director General of Police, Prisons, Punjab, on 19.10.2020 (copy Annexure P-3), whereby the parole earlier granted to a large number of jail inmates in the State of Punjab on 08.09.2020, was extended for another six weeks on account of the said pandemic.

He submits that though the said six weeks have obviously elapsed since the said order was passed, however, the parole in the State of Punjab was further extended till February 02, 2021, and that the State of Haryana too has passed similar orders.

Per contra, Mr. Rajiv Sharma, learned APP appearing for the U.T., Chandigarh, refers to the decision

taken by the High Powered Committee constituted on the directions of the Supreme Court of India in Writ Petition (Civil) No. 1 of 2020, dated 06.11.2020, (copy Annexure P-1 with the short reply filed on behalf of the Union Territory).

The Committee has directed that under-trial prisoners who had been released on special interim bail for an initial period of 60 days, (extended thereafter till 29.09.2020), would be “re-admitted” to the jail in batches of 40 inmates between 16.11.2020 and 07.12.2020, with there being a gap of 05 to 06 days for 're-admission' of each batch, the total number of batches being 05.

Several others directions have also been given by the learned committee, including medical screening of jail prisoners and jail staff, providing an isolation facility in the jails where, in the case of COVID-19 positive cases, prisoners wards are to be established on the pattern of a civil hospital, as also for “sampling of the COVID-19 test of prisoners and staff and the protocol to be followed if any prisoners test positive, with such person to be admitted to a hospital and fully treated there.”

Upon specific query to Mr. Sharma, he submits on instructions from Mr. Jaswinder Singh, Warder, that in fact there is no COVID-19 positive case amongst any of the jail inmates in Sub-Jail Burail, U.T., Chandigarh.

He further submits that the petitioners have in fact all surrendered before the jail authority though some of them have now again applied for parole on the same ground.

Upon query to him as to whether any member of the jail staff has tested positive for the COVID-19 virus, he seeks time to take instructions.

Though obviously the learned High Powered Committee (presided over by an hon'ble Judge of this court), is well seized of the matter and therefore possibly

there would be no reason for this court to pass any order on the 'judicial side', however, since the decision of the said Committee as is relied upon by the learned Additional P.P., is dated 06.11.2020, i.e. two months ago, the present situation is being asked for in this petition.

Adjourned to 15.01.2021 for the learned Additional P.P., U.T. Chandigarh, to take specific instructions with regard to any person in the premises of the jail (whether an inmate or jail staff/official/officer) having tested COVID-19 positive and if so, the steps taken thereafter.”

Today, Mr. Rajiv Sharma, learned APP for U.T., Chandigarh, has forwarded to the Reader of this court a communication received by him from the medical officer of the Model Jail, Chandigarh, dated 14.01.2021, i.e. yesterday, stating that neither any of the inmates of the jail nor any of the prison staff, has tested COVID-19 positive.

That being so and with the High Powered Committee having issued specific directions and the matter obviously being under consideration actively with the Committee from time to time, I would see no reason to allow this petition, which is consequently dismissed at this stage.

January 15, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.