

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

205

Civil Writ Petition-PIL-33-2019

Date of decision :-07.11.2023

Tejinder Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. M.S. Virk, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, DAG, Punjab.

Mr. Arun Gosain, Sr. Govt. Counsel
For respondent No.5-UOI.

Ms. Sukhmani Patwalia, Advocate
For respondent No.6-UT Chandigarh.

RITU BAHRI ACJ. (Oral)

Mr. M.S. Virk, Advocate has put in appearance on behalf of petitioner and filed his Power of Attorney, which is taken on record.

Short reply dated 03.11.2023 by way of affidavit of Ms. Sita Devi, Deputy Superintendent of Police, UT Chandigarh, on behalf of respondent No.6-UT Chandigarh has been filed in the Court

today. Same is taken on record. Copies thereof supplied to the counsel opposite.

Learned counsel for the State of Punjab has placed on record the guidelines/Circular No.08 of 2020 dated 30.06.2020, whereby on account of pendency of this PIL-33 of 2019, guidelines have been issued regarding compliance of Section 41-A Cr.P.C. Details guidelines issued to all the Investigating Officers by the AIG/Litigation, Director, Bureau of Investigation, Punjab, Chandigarh reads as under :-

“The Investigating Officer shall follow the following procedure :-

- a. The original is served on the accused/suspect;*
- b. A carbon copy (on white paper) is retained by the IO in his/her case diary, which can be shown to the concerned Magistrate as and when required;*
- c. Used booklets are to be deposited by the IO with the SHO of the Police Station, who shall retain the same till the completion of the Investigation and submission of the final report under Section 173(2) of the Cr.P.C.*
- d. The Police department will frame appropriate rules for the preservation and destruction of such booklets.”*

Learned counsel for respondent No.6 submits that the present PIL under the Public Interest Litigation Rules, 2010 is not maintainable.

Since the guidelines, mentioned above, have now been issued and the same are to be followed by all the Investigating Officers, no further directions are to be issued in this matter.

Accordingly, the writ petition is disposed of.

**(RITU BAHRI)
ACTING CHIEF JUSTICE**

November 07, 2023
Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No