

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-9366-2023 (O&M)
Date of decision: 17.07.2023

GOURAV CHOUHAN

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. M.S. Saini, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 Cr.P.C for grant of bail pending trial to the petitioner in FIR No.209 dated 26.12.2019, registered under Sections 21 and 29 of NDPS Act, 1985 at Police Station Kartarpur, Jalandhar.

2. Recovery in this case is alleged to be 1.5 kg of heroin, apart from one dongle and two mobile phones maker Samsung and Vivo, respectively.

3. In compliance of the previous order, reply by way of affidavit dated 17.07.2023 of Roop Kumar Arora, Inspector General of Prisons Office of Additional Director General of Police, Prisons, Punjab filed on behalf of respondent-State of Punjab is taken on record. Copy thereof supplied to other side and relevant part of the same reads as under:-

3. *“That pursuant to the said orders, information was sought from the Superintendent Central Jail, Kapurthala. As per information, the petitioner was admitted in Central Jail, Kapurthala on 02.01.2020 in FIR No. 209*

dated 26.12.2019, under section 21/29 NDPS Act, Police Station Kartarpur, District Jalandhar. It is brought to the kind notice of this Hon'ble Court that the petitioner was produced in the Ld. Trial Court physically as well as virtually, the details of which are as under:

<i>Productions</i>	<i>Number of times</i>
<i>Physically</i>	<i>21 times</i>
<i>Virtually</i>	<i>03 times</i>

However, the petitioner could not be produced in Ld. Trial Court five times due to non-receipt of police escort from the office of Senior Superintendent of Police, Jalandhar (Rural). The Ld. Trial Court was informed by the office of Superintendent, Central Jail, Kapurthala in this regard.

It is further brought to the kind notice of this Hon'ble Court that the production warrants were not received in the office of Superintendent, Central Jail, Kapurthala seven times. Hence, the petitioner was not produced in the Ld. Trial Court on these dates. Apart from this, the petitioner could not be produced in the Ld. Trial Court due to spread of Covid-19. (A complete information regarding non-production of the petitioner before the Ld. Trial Court on various dates is attached herewith as Annexure R-1).

4. *“That it is respectfully submitted that there are 25 operational jails in State of Punjab, out of which 10 are Central Jails, 10 District Jails & Special Jails and five are Sub-Jails. The Department of Prisons, Punjab has set up Video Conferencing Systems in the jails of State of Punjab to facilitate the production of inmates before the Courts. Intially fourty four (44) Video Conferencing units were set up for remand and trial proceedings of undertrial prisoners. Out of 44 Video Conferencing units, only 18 units are functional.*

Under the different schemes, 124 Video Conferencing rooms have been constructed in jails of the State of Punjab for conducting virtual trials inside jails. In this context, 145 VC equipments have been purchased through e-tender/GeM. Out of these, 68 Video Conferencing units have been installed till now. The remaining 77 VC units are pending installation due to non- availability of LAN (Local Area Networking) connectivity. The

case for installation of LAN connectivity in 08 jails has been sent to the Government of Punjab for Administrative / Financial approval. On receipt of the requisite sanction, the remaining Video Conferencing units will be installed after providing LAN connectivity & will be made functional.”

4. A perusal of the above extract clearly reveals that video conferencing systems in the prisons of Punjab is quite disheartening and much needs to be done in this regard.
5. In view of the above factual position, the Principal Secretary, Department of Home, Punjab, is directed to look into the matter and take necessary steps at the earliest so that the under trials may get speedy justice in consonance with the mandate of Article 21 of the Constitution.
6. So far as present case is concerned, this Court after hearing both sides is not inclined to grant bail pending trial to the petitioner in view of the alleged heavy recovery. Faced with the situation, learned counsel, on instructions from petitioner, wishes to withdraw the petition at this stage.
7. Ordered Accordingly.
8. However, keeping in view the long custody of petitioner, learned trial court is requested to proceed in the matter expeditiously and monthly progress report be sent to the Registry.

(MAHABIR SINGH SINDHU)
JUDGE

July 17, 2023
Amandeep/vs

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No