

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

245

CWP-16672-2021

Date of Decision: 01.05.2023

NEELAM SHARMA

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Ms. Prabhjot Kaur, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed seeking a direction to the respondents to not place Sukhdeep @ Suryaveer son of the petitioner in solitary confinement as the same being in violation of law.

Learned counsel for the petitioner contends that the son of the petitioner is suffering from depression and his condition is critical and that so much so he is not even in a position to identify the petitioner (his mother) as well as his brother.

Status report by way of an affidavit of Shivraj Singh, PPS, Superintendent, Central Jail, Patiala dated 05.10.2021 had been filed on 06.10.2021. Copy thereof had been furnished to learned counsel for the petitioner, who had sought time to go through the same. The relevant extract of the same is reproduced hereinunder:

"2. That the son of petitioner is a member of an organised crime syndicate and has committed numerous heinous crimes in

Delhi and Haryana. The Details of the pending case registered against the accused are as follows:

- 1. FIR No. 34 dated 28.03.2019 U/s 307/353/186/34 of IPC & 25 of Arms Act, PS Balaongi.*
 - 2. FIR No. 531 dated 24.06.2014 U/s 386/34 of IPC & 25 of Arms Act, PS City Jind.*
 - 3. FIR No. 597 Dated 18.07.2014 U/s HGCP Act, PS City Jind.*
 - 4. FIR No. 252 dated 2018 U/s 3-4 MCOCA Act, PS Alipur.*
- 3. That in compliance of the order of Hon'ble Punjab and Haryana High Court dated 01.07.2021 and 19.07.2021 in Civil Writ Petition No. 7882 of 2021, Razia Vs State of Punjab & Others and other joining filed cases (Civil Writ Petition No. 7226, 6930, 6931, 6933, 7368 and 9126 of 2021) the prisoners confined in High Security Zones have been ordered to be locked out from sunrise to sunset (with a mid day lock in) like other sunset within the enclosure of their High Security Zones.*
- 4. That it is further respectfully submitted that during this lock out period, all the prisoners confined in a High Security Zones have been permitted to meet one another and have meal together. A copy of order dated 28.08.2021 is annexed as for the perusal of this Hon'ble Court Annexure R-1-A.*
- 5. That the prisoners of High Security Zones are provided with facility of Prison Call System for 15 minutes every day on payment basis.*
- 6. That as far as issue regarding health of the son of the prisoners is concerned, it is respectfully submitted that the son of petitioner was examined by the board of Doctors/Specialist which was constituted by Medical Superintendent of Rajindra Hospital. On basis of this the psychiatrist visited the jail twice on dated 12.06.2021 & 23.07.2021 and proper treatment was duly followed*

up by the Medical Officers of Central Jail Patiala is annexed herewith as Annexure R-1.

7. That after requesting the office of Civil Surgeon Patiala, the follow up treatment of the prisoner was got done on 17.09.2021, by a Psychiatrist who visited the jail from Mata Kaushalya Hospital Patiala, The Psychiatrist (Dr. Shakshi Gupta) prescribed the treatment and further recommended to constitute a medical board comprising of three medical officers for further diagnostics. The report is annexed herewith as Annexure R-2. Further in compliance of the report a letter was written to the office of Civil Surgeon, Patiala for setting up a medical board.

8. That subsequently a medical board comprising of three Psychiatrists (Dr. Akshita Vermani, Dr. Bhavneesh Saini & Dr. Sakshi Gupta) was constituted by Civil Surgeon, Patiala on 24.09.2021. The board of Doctors thoroughly examined the prisoner and assessed his mental and Psychological condition. The finding of the report submitted by the Board of Psychiatrists is annexed herewith as Annexure R-3.

9. That the inmate of the jail are provided food and all other basic amenities like drinking water and clothing as per prescribed in Punjab Jail Manual 1996 and instructions dated 29.09.2020 issued by the office of ADGP (Prisons). The food which is cooked in the Jail Kitchen is inspected by the Jail Authorities and Jail Medical Officers before its distribution to the Jail inmates.

10. That earlier, after taking the requisite permission from ADGP Prisons, the prisoner was allowed to meet his mother to help him with his emotional and mental well-being and alleviate feelings of distress."

Even though the counsel for the petitioner contends that the petitioner was not allowed to meet her son, however, the above mentioned response specifically states that the petitioner was permitted to meet her son for his emotional well-being. It was also pointed that the son of the petitioner

being a member of an organized crime syndicate has been lodged in a High Security Jail and is not being kept in solitary confinement.

The factual aspects pointed out in the above mentioned response have not been controverted by the counsel representing the petitioner. Consequently, there is no reason for this Court to come to a contrary conclusion or to infer that the son of the petitioner is being detained in solitary confinement and is not being treated in accordance with law.

In view of the above, the present petition is dismissed at this stage.

Liberty is, however, granted to the petitioner to espouse her grievance(s), if any, by filing an appropriate petition before the competent Authority in accordance with law. The respondent Authorities shall, however, take all necessary measures for ensuring mental health of the prisoner and as recommended by the Consultant/Medical Board.

01.05.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No