

**RA-CW-76-2020 (O&M) and
RA-CW-140-2021 (O&M) and
RA-CW-301-2021 (O&M)
in CWP-15134-2015**

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Karamjit Singh Bhullar vs. State of Punjab and others**

Present:- Mr.Gaurav Garg Dhuriwala, DAG, Punjab
for review applicant in RA-CW-76-2020

Mr. Rishab Gupta, Advocate for
the review applicant in RA-CW-140-2021

Mr. T.N.Sarup, Advocate for the review applicant
in RA-CW-301-2021

1. By this order, the aforementioned three review applications shall stand disposed of.

2. The applicants pray for the review of the order dated 29.05.2019. The writ petition was filed in the High Court alleging inaction from the concerned authorities, though 120 intoxicating capsules were recovered from the prisoners in the Modern Jail, Faridkot. Various officials of the jail who were posted therein were also impleaded as a party to the writ petition. The writ petition was disposed of on the basis of an inquiry report submitted by the Superintendent of Police, Modern Jail, Faridkot. This Court was informed that the private respondents are found lacking in the discharge of their duty. Thus, the following directions were issued by the Court:-

“Thus, recovery of 120 intoxicant capsules was found to be effected by the petitioner, which was verified by Darshan Chand. It was duly entered by the petitioner in the report book at page No.159-160 on which cutting was made by respondent No.5 along with respondent No.4

who have been proceeded against ex parte.

Learned State counsel informs that show-cause notice was issued to Assistant Superintendent, Central Jail-Darshan Chand for making a statement before the Superintendent, however, no substance was found in the charge-sheet.

In view of the above, the State is directed to take necessary action as per law against respondent No.2, who has furnished an affidavit against the facts as well as respondent Nos. 4 and 5, who have mutilated the official record.

The needful be done within four months from today and report in this regard be sent to the Registrar General of this Court.

Disposed of, accordingly.”

3. Learned counsel representing the private respondents submits that a preliminary inquiry has already been held in which the applicants were not found negligent in discharge of their duty. He submits that the Court was not apprised of the aforesaid fact, while passing the order in question.

4. The State of Punjab has filed a review application claiming that action against respondent no.2 is not necessary as he had filed the affidavit on the basis of the information supplied by his subordinates.

5. From the reading of the operative part of the order, which has been extracted above, it is evident that the Court has found that respondent no.4 and 5 have transposed duties in the report book. They were a party to the petition but they chose not to appear before the Court. A preliminary fact finding report cannot supersede the findings arrived at by the High Court qua respondent no.4 and 5. As regards the respondent

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no.2, the Court has directed the State Government to take necessary action.

6. Keeping in view the aforesaid facts, no ground to review the order in question is made out.

7. Hence, all the three review applications are dismissed.

8. No separate order in the applications for grant of stay as well as condonation of delay is required to be passed.

9. All the pending miscellaneous applications, if any, are also disposed of.

19.01.2023
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**(ANIL KSHETARPAL)
JUDGE**