

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:100108



229

CRM-M-15566 of 2022 (O&M)

DECIDED ON: 5th August, 2024

Ramphal

.....PETITIONER

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE **NIDHI GUPTA.**

Present: None for petitioner.
Mr. Aditya Pal Singla, AAG Haryana.

NIDHI GUPTA., J (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for issuance of directions to respondent No. 1 and 2 to take appropriate legal action against the respondents No.3 and 4 who are illegally giving third degree torture to the son of the petitioner and for initiating departmental inquiry against the respondents No. 3 and 4 by suspending them with immediate effect.

Briefly the facts are that the son of the petitioner is lodged in District Jail, Kaithal in case FIR No. 218/2019 dated 14.5.2019, registered under Sections 363, 366, 376 IPC and Section 4 of the POCSO Act, at Police Station Pundari, Kaithal. The petitioner who is father had filed representation dated 11.4.2022 (Annexure P-1) to the DGP Haryana Prison, Sector 14 Panchkula, stating that he had received a telephonic call from his son namely Rishi, who has told him that accused persons- respondent No. 3 and 4 herein had physically tortured him along with two other accomplices and had done unnatural act and had given multiple injuries.

Learned State counsel has drawn the attention of this Court to the reply dated 4.8.2022 filed by way of affidavit of B. Satheesh Balan, IPS, Inspector General of Prisons O/o the Director General of Prisons, Haryana, Sector 14, Panchkula, wherein it has been stated that a medical board consisting of four doctors has been constituted and who had vide report dated 6.6.2022 (Annexure R-1) had opined that *‘After general physical, clinical and radiological examination the board is of the considered opinion that perianal examination of the patient was normal and the three linear, hyperpigmented, non tender scars on the back were most likely superficial deep burns.’*

Learned State counsel has also pointed out that in para-2 of status report, it has been mentioned as follows:

‘..... The present petitioner has also filed the present writ petition dated 12.4.2022 before this Hon’ble Court for same relief, which is not maintainable, as action has already been taken on the application of the undertrial prisoner Rishi and his medical report has already been submitted before the Id. District Magistrate, Kaithal, by the Superintendent, District Jail, Kaithal, vide his letter No. 2791 dated 12.4.2022.’

It is further pointed out that son of the petitioner has now been convicted by the learned Addl. Sessions Judge, Kaithal, on 18.11.2022.

Order sheet shows that none had appeared on behalf of petitioner on the last date of hearing. Even today, none has appeared.

In view of submissions made by learned State counsel, no further direction is required to be issued in the matter. However, in case anything survives liberty is granted to the petitioner to revive the present petition within a period of four weeks from today, if so advised.

Disposed of.

5th August, 2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No