



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-10986-2024

Date of decision: 10.05.2024

AMRITPAL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present: - Mr. R.S. Bains, Senior Advocate with
Mr. Aman Raj Bajwa, Advocate
for the petitioner.

Mr. Arjun Sheoran, DAG, Punjab.

Mr. Prateek Gupta, Advocate
for respondent No.3-ECI.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Dheeraj Jain, Senior Counsel
for respondents No.6-Union of India.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has approached this Court for the following
prayers:-

*“i) To issue an appropriate writ, order or direction
especially a writ in the nature of mandamus directing the
respondent No.1, 3 and 4 to temporary release the petitioner for
seven days as per section 15 of NSA so that he can file his
nomination before the Returning Officer to contest 2024 Lok*



Sabha Election from Sri Khadoor Sahib Constituency as the last date for filing nomination is 14.05.2024.

ii) In alternative it is prayed that an appropriate writ, order or direction especially a writ in the nature of mandamus may kindly be issued to officials respondents to make arrangements for the petitioner to fill his nomination form. form for appointment of election agents/authorized nominees and all other paper work which is required for filling nomination papers for contesting the 2024 elections from Sri Khadoor Sahib Constituency.

iii) To issue an appropriate writ, order or direction especially in nature of mandamus to official respondents to make arrangements for the petitioner to get assisted various forms as required under Election Rules from notary public/oath Commissioner/Magistrate either by taking the petitioner to them or by calling them at Central Jail, Dibrugarh.

iv) To issue an appropriate writ, order or direction especially in nature of mandamus to respondent No.4 to administer oath to the petitioner as required under Article 84(a) of Constitution of India and comply with the instructions issued by Election Commission of India vide letter dated 27.02.2024 and issue a certificate for receipt of oath and send the original form of the oath to the Returning Officer, 03-Khadoor Sahib (Punjab).

v) To issue an appropriate writ, order or direction especially in nature of mandamus to respondent No.4 to facilitate and make arrangements for the petitioner to get his latest photograph clicked which are required to be submitted to the Returning Officer while submitting his nomination form.

vi) To issue an appropriate writ, order or direction especially in nature of mandamus to respondent No.4 to facilitate and make arrangements for the petitioner to get open a New Bank Account at HDFC Bank, Branch Tarn Tarn, Punjab through the local branch of HDFC Bank at Dibrugarh, Assam which is required to



be done as per Election Rules either by taking him to the local branch at Dibrugarh or making arrangements of Bank officials to come at the Central Jail, Dibrugarh.

vii) To issue an appropriate writ or direction to allow counsel for the petitioner to meet him for completing formalities to fill relevant papers and also issue direction that petitioner may be permitted to meet one proposer of the petitioner so that he can bring the papers and file before the Returning officer.

viii) For issuance of any other writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

2. Learned counsel appearing on behalf of the respondent-State on instructions from Padma Kumar Pegu, Superintendent Central Jail, Dibrugarh, Amritsar contends that the prayers made by the petitioner for seeking a temporary release from Jail do not survive any further since the object for seeking such release has already been fulfilled and all other prayers have already been met.

3. A chart displaying the requests made by the petitioner as per letter dated 06.05.2024 and the compliance carried out by the respondent-State of Punjab is extracted as under:-

<i>Request as per letter dated 06.05.2024</i>	<i>Compliance as per telephonic instructions received from Superintendent, Central Jail, Dibrugarh.</i>
<i>i. Make arrangements for Opening new bank account in the name of detenue Amritpal Singh in HDFC Bank, Branch Tarn Taran, Punjab, by t through HDFC local branch at Dibrugarh, Assam, for contesting</i>	<i>Forms for Punjab National Bank have already been signed ,by the detenue and attested by the Jail Superintendent of Central Jail, Dibrugarh, Assam on 09.05.2024. The same are to be submitted to the Bank concerned by</i>



<i>General Elections, 2024. (Prayer No. vi of the Writ Petition)</i>	<i>the family/legal team of the detenue.</i>
<i>ii. Make arrangements for Fill-in four set of Nomination Form, Form for appointment of Election Agent / Authorized Nominees and all other paper work which is required for filling nomination papers and allow his proposer and advocate to meat with detenue Amrital Singh in this regard. (Prayer No. ii and vii of the Writ Petition)</i>	<i>Two sets of nomination forms and other paper work were and all filled in and signed by the detenue on 09.05.2024.</i> <i>The detenue was allowed to meet his proposer and Advocate at Dibrugarh Central Jail on 09.05.2024.</i>
<i>iii. Make arrangements for Attestation of Affidavit from Notary Public/Oath Commissioner/Magistrate. (Prayer No. iii of the writ petition)</i>	<i>The needful has already been done on 09.05.2024.</i>
<i>iv. Make arrangements for Taking photographs of detenue for filing Nomination Forms. (Prayer No. v of the Writ Petition)</i>	<i>The needful has already been done on 09.05.2024 and photographs of the detenue have been taken.</i>
<i>v. Superintendent, Central Jail, Dibrugarh, Assam may also be directed to administer the oath to the detenue Amrital Singh and comply with provisions prescribed in Para 2.5.2. and 2.7.6. of Chapter 2 of Handbook for Candidate, 2023 and issue Certificate for Receipt of Oath and send original form of Oath to Returning Officer, 03- Khadoor Sahab, (Punjab). (Prayer No. iv of the Writ Petition)</i>	<i>The Superintendent Central Jail Dibrugarh will administer oath to the detenue as per the provisions of law including Handbook for Candidate, 2023 and issue Certificate for Receipt of Oath and send original form of Oath to Returning Officer, 03- Khadoor Sahab, (Punjab). The oath will be administered as and when a request is made by the detenue after his nomination form is submitted before the RO.</i>
<i>vi. Superintendent, Central Jail,</i>	<i>The needful has already been done on</i>



<i>Dibrugarh, Assam may also be directed to attest signatures of detenue Amritpal (sic) Singh on all prescribed forms and to attest photographs of detenue Amritpal Singh.</i>	<i>09.05.2024 and all relevant documents, signatures and photographs as placed before the Superintendent Central Jail Dibrugarh stand attested.</i>
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4. Learned State Counsel further submits that in the event of completion of all formalities, the oath shall be administered as per the procedure.

5. In view of the aforesaid compliances done by the respondent-State of Punjab, the present writ petition is rendered infructuous at this stage.

Ordered accordingly.

(VINOD S. BHARDWAJ)
JUDGE

MAY 10, 2024
Vishal Sharma

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