



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CWP-29295-2019 (O&M)

Date of decision: 24.07.2024

Sukhwinder Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. H.S. Thiara, Advocate for the petitioner.

Ms. Niharika Sharma, AAG Punjab.

Mr. Gurmeet Singh Saini, Advocate for respondent No.4.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing respondent No.2 to conduct medical examination of Jagjiwan Singh @ Jivan son of the petitioner, confined in Central Jail, Ferozepur, Punjab, who was alleged to be mercilessly tortured on 19.09.2019 by respondents No.3 to 6 along with 10-12 other Jail officials.

2. Learned counsel for the petitioner has argued that Jagjiwan Singh @ Jivan, son of the petitioner, was convicted vide judgment dated 08.05.2018 passed by the Additional Sessions Judge, Hoshiarpur, in case bearing FIR No.25 dated 11.08.2010 registered under Sections 307, 353, 186, 482, 411, 34 IPC and Section 25 of the Arms Act, 1959 and sentenced to undergo a rigorous imprisonment for the period as extracted under:



Under Section(s)	Imprisonment
307/34 IPC	Rigorous imprisonment for a period of 05 years with a fine of Rs.5,000/- in default of fine to further undergo rigorous imprisonment for a period of 01 month.
353/34 IPC	Rigorous imprisonment for a period of 01 year with a fine of Rs.1,000/- in default of fine to further undergo rigorous imprisonment for a period of 15 days.
25 of the Arms Act, 1959	Rigorous imprisonment for a period of 01 year with a fine of Rs.2,000/- in default of fine to further undergo rigorous imprisonment for a period of 15 days.

3. Criminal Appeal No.52828-SB-2018 had been filed by Jagjiwan Singh @ Jivan before this Court. He was confined in Central Jail, Ferozepur and on 19.09.2019, he was allegedly taken out of the jail barrack by respondents No.3 to 6 along with other Jail officials and was given beatings.

4. Learned counsel for the petitioner contends that when the petitioner along with other family members had gone to Jail to meet her son on 20.09.2019, they were not allowed to meet him. It was only on 24.09.2019, the entire story came to their knowledge, when the petitioner and her daughter-in-law were permitted to meet Jagjiwan Singh @ Jivan. Representation against the said conduct was sent but no action was taken



whereupon the present petition has been filed for conducting medical examination of Jagjiwan Singh @ Jivan and for extending medical treatment accordingly.

5. A status report by way of a short affidavit dated 10.10.2019 of Mr. Praveen Kumar Sinha, Additional Director General of Police, Prisons, Punjab, as per which the primary prayer for carrying out the medical examination of Jagjiwan Singh @ Jivan, son of the petitioner, was duly adverted to and it was informed that the same has been carried out and as per the medical examination, the injuries sustained by Jagjiwan Singh @ Jivan were simple in nature. Further, in relation to the enquiry with respect to the incident in question, it has been reported in the said affidavit that on the intervening night of 18/19.09.2019, the Assistant Superintendent was performing his duty as a night officer and during his duty, a mobile phone was recovered from Convict-Karamjit Singh son of Nirmal Singh. The information in this regard was sent to the Deputy Superintendent Jail –Mr. Jaspal Singh Khehra during the morning Lock-out time. The said convict was ordered to be isolated for security reasons by the Jail authorities. When Convict-Karamjit Singh was brought before Assistant Superintendent Jail-Mr. Harbhajan Singh, he started misbehaving with the officers and on hearing the same, many prisoners including the son of the petitioner came out from the nearby barracks to the Central Control Tower in support of Karamjit Singh. They attacked the Jail staff as well as Assistant Superintendent Jail and caused injuries with the help of sharp edged weapon. The son of the petitioner was amongst the supporters of Convict-Karamjit



Singh who had misbehaved with the Jail staff and attacked them and attempted to create a riot like situation in the Jail. However, no untoward incident happened in Jail due to immediate and efficient functioning and response of Jail Administration. A case against Convict-Karamjit Singh was also registered in relation to the said incident. The son of the petitioner was medico legally examined and MLR was also obtained. The injury was simple and was properly noted and there was no denial of medical facilities/amenities.

6. No replication/rejoinder to the aforesaid affidavit/additional affidavit has been filed on behalf of the petitioner.

7. As the primary prayer for conducting the medical examination of Jagjiwan Singh @ Jivan son of the petitioner already stands redressed, no further directions are required to be issued. Insofar as the allegations of the alleged torture of Jagjiwan Singh @ Jivan on the intervening night of 18/19.09.2019 is concerned, the same has apparently not been established, in view of the uncontroverted reply.

8. **The present petition is accordingly disposed of as no further directions are called for in the matter.**

(VINOD S. BHARDWAJ)
JUDGE

24.07.2024
Mangal Singh

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