

CRWP-8097-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-8097-2025

Date of Decision: 05.08.2025

Amita Kumari

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dinesh Trehan, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
193	03.10.2022	City Jagraon, District Ludhiana	307, 160, 506, 148, 149 IPC and 25, 27 of Arms Act

1. Seeking issuance of writ in the nature of mandamus directing the official respondents to protect the life and liberty of brother of the petitioner who is accused in the FIR captioned above and is in custody in Jail at the behest of respondents No.3 to 5 who are holding key posts in Jail, his sister- petitioner has come up before this Court under Article 226 of Constitution of India.

2. On 28.07.2025, following order was passed:

“Notice served upon the official respondent through State counsel.

Allegations mentioned in the petition are serious.

Given above, Inspector General of Police (Prison), Punjab to file an affidavit of themselves or through an officer of IPS cadre.

In the meantime, the District and Sessions Judge, Mansa is requested to either personally visit the jail or depute any judicial officer to find out the physical as well as mental condition of accused Gulshan Kumar @ Sheru son of Des Raj confined in FIR No.193 dated 03.10.2022 under Section 307 IPC, Police Station Jagraon and send report without any delay.

List on 30.07.2025.

It is clarified that if the affidavit is not filed by IGP (Prison), then the DGP (Prison), Punjab will file the same.

Registry to communicate this order to the concerned Court today.



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There is no need for certified copy of this order. Downloaded order would suffice the purpose.”

3. On 30.07.2025, following order was passed:

“Status report by way of affidavit on behalf of the State has been handed over in the Court today and the same is taken on record. Copy thereof has been supplied to the counsel for the petitioner. State counsel submit that they are inquiring the matter and seeks some more time to file detailed reply.

May do so by the next date positively.

List on 05.08.2025.

In the meantime, Registry to communicate order dated 28.07.2025 to the learned District & Sessions Judge, Mansa for compliance.”

4. The report of Chief Judicial Magistrate, Mansa forwarded by District and Sessions Judge reads as follows:

“In compliance of office order no.5286 dated 02.08.2025, the undersigned had gone to the District Jail, Mansa on 02.08.2025 to find out the physical as well as mental condition of accused Gulshan Kumar @ Sheru son of Des Raj, confined in an FIR no. 193 dated 03.10.2022, under section 307 IPC, P.S. Jagraon. The statement of accused Gulshan Kumar @ Sheru was recorded in which he stated that he is mentally fit and he is having no mental ailment and he can understand each and every thing. He further stated that on 19.07.2025 at about 6.30 pm to 07.00 pm, the another jail inmate namely Gurpreet Singh was having some family problem as his child was kept in machine and Gurpreet Singh wanted to talk on phone with his family. So the concerned official told Gurpreet Singh that he could not permit him to talk on phone with his family. Thereafter Gurpreet Singh requested that he should be produced before Superintendent or Deputy Superintendent so that he can request them. But the concerned official refused, due to which there were heated arguments between the concerned official and Gurpreet Singh. He further stated that there were total 2-3 persons including him who were present at the spot. So the fight took place between Gurpreet Singh and concerned jail official. In the meanwhile, Superintendent, Deputy Superintendent and other officials came at the spot and they took Gurpreet Singh and Balwinder Singh the jail official along-with them. So at the asking of jail official Balwinder Singh, accused Gulshan Kumar and Jagdeep Singh were taken out from the barrack and Superintendent Sucha Singh gave four stick blows on his person and asked him to seek forgiveness from Balwinder Singh the jail official. Thereafter accused Gulshan Kumar asked for forgiveness from Balwinder Singh the jail official. Thereafter accused Gulshan Kumar was again put behind the bars at the asking of Superintendent Sucha Singh. After some time, Deputy Superintendent Jagjit Singh came along-with jail officials and took him out of the barrack. Thereafter he was taken behind the



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barracks along-with other 2-3 persons and they were beaten by Deputy Superintendent Jagjit Singh and other jail officials. He stated that he was given beatings on his back, soles by the jail officials. Thereafter Deputy Superintendent kept his feet on his neck and insulted him. Thereafter his medical examination was got conducted on 29.07.2025.

So on the basis of this statement of the accused Gulshan Kumar, I am of the considered view that he is mentally fit and is suffering from no mental ailment. As far as the physical condition of the accused Gulshan Kumar is concerned, I am of the view that he was medically examined on 29.07.2025 by the board of doctors at civil hospital, Mansa and as per medico legal report, which is also appended along-with this resort, there were total 4 injuries on his person.

Report is submitted please.”

5. Given above, prima facie case of petitioner being beaten up in the jail premises is not ruled out. Respondent No.2 to transfer the brother of the petitioner to some other jail. Further inquiry be initiated as to how and in what mode the brother of the petitioner, Gulshan Kumar @ Sheru was beaten up and necessary action be taken against the police officials who are involved, in accordance with law. Concerned District and Sessions Judge, Mansa to also communicate report of Chief Judicial Magistrate, Mansa along with MLR to concerned Superintendent of Police for information.

6. In view of above, the present petition is disposed of. Liberty reserved to file an application before Human Right Commission. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.08.2025
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.