

COURT ON ITS OWN MOTION V/S STATE OF PUNJAB AND OTHERS

Present: Court on its own motion.

Ms. Ishma Randhawa, Additional Advocate General, Punjab.

Mr. Bijender Dhankhar, Additional AG, Haryana.

Mr. Munish Bansal, PP, UT, Chandigarh.

Mr. Sumit Kumar, Advocate for
Ms. Tanu Bedi, Advocate, *amicus curiae*.

This petition has been listed as public interest litigation after *suo motu* notice had been taken up by the Single Bench of this Court with regard to the usage of mobile phones within the jail premises by the inmates and as to what steps are in place to curb the entry of such prohibited items. The relevant extract of the order is reproduced hereunder:-

“XXXXXX

xi) How are the guards posted at the watch towers oblivious to the articles being thrown over the boundary wall and successfully being retrieved by the inmates;

xii) How and when are the inmates rotated amongst the cells which have TV's and the ones without such a provision as has been stated and moreover when was the present petitioner moved to such a cell along with the other inmates as seen in the video;

xiii) Whether all inmates are regularly frisked after every Court hearing and after the physical mulakats;

XXXXX”

It has also come to our notice that one of the suspects in the murder of Shubhdeep Singh Sidhu Moosewala namely Lawrence Bishnoi had been interviewed by a news channel. The interview was telecast in March from 14.03.2023 to 17.03.2023. The suspect was said to be in custody of the Punjab Police or judicial custody in the State of Punjab at that time.

Issue notice to the respondents. At the asking of the Court, Ms. Ishma Randhawa, Additional Advocate General, Punjab, Mr. Bijender Dhankhar, Additional Advocate General, Haryana and Mr. Manish Bansal, Public Prosecutor, Chandigarh accept notice on behalf of respondents No.1 to 3 respectively and pray for time to seek instructions and file response.

In response to the query of this Court as to whether the suspect was in police or judicial custody when the interview was conducted, learned counsel for the respondent-State of Punjab, upon instructions from the I.G, Prisons, submits that the suspect was in judicial custody in the Bathinda Jail when the interview was telecast and the matter is being enquired into with regard to the time and place when the interview was conducted. A two member Committee comprising of Special DGP, STF and the Additional Director General of Police, Prisons had been constituted in March 2023 to enquire into the same and the enquiry is underway.

It is a matter of grave concern that a suspect in police or judicial custody has been allowed to conduct an interview at length. The officer(s), who permitted or facilitated the interview, need to be identified and taken to task at the earliest. The Committee had been constituted in March 2023 and 7 months have elapsed but not much headway has been made. The Additional

Director General of Prisons shall file an affidavit as to why it has taken so long for the Committee to submit its report.

We request Ms. Tanu Bedi, Advocate to assist the Court as amicus curiae.

The Registry is directed to supply copies of the paper book to the learned counsel for the respondents and the amicus curiae.

List on 28.11.2023.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

09.11.2023
SwarnjitS