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CM-85-CWPIL-2023 in/and CWP-PIL-93-2023 (O&M)

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

Present: Court on its own motion.

Ms. Ishma Randhawa, Addl. AG, Punjab.

Mr. Anant Kataria, DAG, Haryana.

Mr. Manish Bansal, Public Prosecutor, UT, Chandigarh and
Mr. Rajiv Vij, Addl. PP, UT, Chandigarh.

Ms. Tanu Bedi, Advocate (*amicus curiae*) assisted by
Mr. Sumit Kumar, Advocate.

Mr. Gourave Bhayya Gilhotra, Advocate
for the applicant in CM-85-CWPIL-2023.

CWP-PIL-93-2023

In response to the previous order of this Court dated 09.11.2023, learned State counsel has filed affidavits of Additional Director General of Prisons, Punjab dated 24.11.2023 and 28.11.2023 which are taken on record.

Learned State counsel for Punjab, while referring to the affidavits, submits that efforts are on to stop the smuggling of mobile phones in the jails as well as their usage by the inmates. She also submits that the Committee, which had been constituted to enquire into the incident of the recording and telecast of an interview by the suspect namely, Lawrence Bishnoi, would require some more time to submit its report.

Ms. Tanu Bedi, Advocate, learned *amicus curiae*, however, submits that the affidavit filed by the Additional Director General of Police, Prisons, Punjab indicates that the Committee has been able to pinpoint that the second interview could have been recorded between 26.02.2023 and

17.03.2023 and therefore, it would not be difficult for the Committee to establish the date, time and the place where it was recorded.

Heard.

The Committee had been constituted on 29.03.2023 to enquire into the recording and telecast of the interview by a suspect in judicial/police custody. He was stated to be in judicial custody when the interview was telecast. Even after 8 months, the report has not been submitted by the Committee. We are not satisfied with the progress in the enquiry and the explanation being offered for the delay in its conclusion. We, therefore, direct the Additional Director General, Prisons, Punjab, to be present in Court on the next date of hearing to explain as to why the report has not been submitted till date. He would also apprise the Court about the measures taken by the Jail authorities to stop the usage of mobile phone by the jail inmates and the calls for extortion.

List on 14.12.2023.

CM-85-CWPIL-2023

Learned counsel for the applicant submits that the applicant, who is a practising Advocate of this Court, had preferred criminal miscellaneous application No.14035 of 2023 with the prayer to fix the responsibility of the Jail officials, who had helped in conducting the interview of the suspect, namely, Lawrence Bishnoi, while he was in judicial/police custody.

The applicant/petitioner had sought withdrawal of the petition with liberty to avail other remedies including filing public interest litigation. The petition had been dismissed as withdrawn with liberty to the petitioner (applicant herein) to avail other remedies as may be available under the law.

The applicant had thereafter, preferred a public interest litigation bearing CWP-PIL No.27 of 2023 which was disposed of by this Court on 24.03.2023 as the State counsel had submitted that the two member Committee comprising of Special DGP, STF and the ADGP, Prisons, Punjab had been constituted to look into the matter and the petitioner (applicant herein) may approach the Committee with regard to his grievance. He further submits that the applicant had approached the Committee with regard to his grievance but the Committee has paid no heed to his grievance.

Issue notice to the counsel for the non-applicants returnable on 14.12.2023.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

28.11.2023
SwarnjitS