

112 CRM-M-36564 of 2020

Jaswinder Singh v. State of Punjab and others

Present: Mr. Navkiran Singh, Advocate,
for the petitioner.

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Mr. Navkiran Singh draws attention to the list of bad characters listed in the surveillance register maintained in the police station, as is shown to have been displayed in Police Station Rawalpindi, District Kapurthala, showing therein the name of the petitioner at sr. no.4 of the list "BC-B".

Learned counsel for the petitioner submits that as a matter of fact the petitioner was acquitted in both the criminal cases registered against him in the year 1989, i.e. more than 30 years ago, and hence the entry appearing in the surveillance register showing him to be a bad character even today, is wholly illegal.

He next draws attention to the direction issued by a Division Bench of this court in Musa Khan v. State of Punjab and others 2005(1) RCR (criminal) 960, which reads as under:-

"12. Before parting with the judgment, we direct that a copy of the same be sent to the Director Generals of Police, Punjab and Haryana and Inspector General of Police, Union of Territory, Chandigarh, who in turn would forward the same to the District Police Chiefs with a direction to re-examine the Surveillance Registers maintained in the Police Stations of the process, it is hoped, would be completed within two months."

Notice of motion.

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Mr. Harbir Sandhu, learned AAG, Punjab, accepts notice at the asking of the court.

The SSP, Kapurthala, is directed to file his/her own affidavit in response to the petition, stating therein specifically as to why, in view of what has been contended hereinabove, the petitioners' name continues to remain in the surveillance register as a bad character.

The SSP shall also state as to whether any other persons' names are also continuing to be listed as bad characters, whereas such persons have actually been acquitted of the criminal charges framed against them.

Since a somewhat similar matter is coming up for hearing on 23.11.2020 (CWP No.13827 of 2020), that petition be listed alongwith this petition, on the same date.

While filing affidavits in response to the order issued in that case, the DGPs of Punjab, Haryana and the U.T. Chandigarh, shall also state as to whether the aforesaid direction issued by the Division Bench 15 years ago, has been complied with or not; and whether the surveillance registers are being continuously reviewed for that purpose or not.

Adjourned to 23.11.2020.

Copies of the petition be sent via e-mail to Mr. Sandhu, learned AAG, Punjab, Mr. Virk, learned DAG, Haryana, as also to Dr. Sukant Gupta, learned Addl. PP, U.T. Chandigarh, by learned counsel for the petitioner, today itself.

To be heard alongwith CWP no.13827 of 2020.

November 09, 2020
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(AMOL RATTAN SINGH)
JUDGE