

106-A CWP No. 13827 of 2020 (O&M)

Harjot Singh @ Sajjan vs. State of Punjab and others

106 CRM-M-36564 of 2020

Jaswinder Singh vs. State of Punjab and others

Present: Mr. Sandeep Kumar, Advocate,
for the petitioner (in CWP No. 13827 of 2020).

Mr. Navkiran Singh, Advocate,
for the petitioner (CRM-M-36564-2020).

Mr. Deepak Sabharwal, Addl. A.G., Haryana.

Mr. Gaurav Garg Dhuriwala, Sr. D.A.G., Punjab.

Mr. Rajiv Sharma, APP for U.T., Chandigarh
(in CWP No. 13827 of 2020).

Mr. Sukant Gupta, APP for U.T., Chandigarh
(in CRM-M-36564 of 2020).

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.

As already recorded in the last order passed, pursuant to the earlier orders passed by this court, the affidavits of the Directors General of Police, Punjab, Haryana and the U.T. Chandigarh, are on record, with them having brought out the relevant provisions of the Punjab Police Rules, with regard to the measures that can be taken by the police to try and apprehend persons who are absconding (whether by way of any declaration by the court or by way of warrants etc. having been issued but with them not having been traced despite such warrants issued).

Obviously, that category of persons not having been specifically the subject matter of the judgment of the Supreme Court in **Malak Singh and others** vs. **States of Punjab and Haryana and others** AIR 1981 SC 760, the

subject matter of that case being essentially the surveillance registers and the provisions in the said rules pertaining to those registers, as regards absconders/persons who are not being arrested despite warrants for their arrest having been issued, naturally the statutory provisions of the Punjab Police Rules, 1934 (and any other statutory provisions as had not been brought to the notice of the court), would be adhered to by the two States and the U.T., Chandigarh, with it even to be observed that, naturally, since in the year 1934 when the Punjab Police Rules were promulgated, there was no internet and consequently the only social media available at that stage would have been newspapers and magazines etc., this court would see no harm in extending the publishing of the names of such persons (as are statutory allowed to be published vide the aforesaid Rules), in the social media as is now available via the internet etc., but as regards entries and continuation of names of “accused persons” in the surveillance registers maintained in police stations, obviously, the directions issued in **Malak Singhs'** case (*supra*), would be complied with strictly by the two States and the U.T., Chandigarh, as they are bound to do.

Mr. Sukant Gupta, learned A.P.P. for the U.T. Chandigarh, has also referred to the directions issued in a judgment of a Division Bench of this court in **Musa Khan vs. State of Punjab and others** 2005 (1) RCR (Criminal) 960, which obviously both the States and the U.T., Chandigarh, also would be required to comply with and to that extent the affidavit of the DGP, U.T., Chandigarh, stating that he is willing to comply with the directions is not appreciated, as the DGP does not have an option and is bound to comply with them, subject obviously to such orders being subject matter of any subsequent orders passed by a competent court (with no such orders having been brought to notice).

Be that as it may, the main issues already having been addressed in the affidavits of the two States and the U.T., Chandigarh, CWP No. 13827 of 2020 is disposed of as having been rendered infructuous, with CRM-M-36564-2020, kept pending for a status report to be filed by the three DGPs before the next date of hearing as regards compliance of the directions of the Supreme Court in Malak Singhs' case and the judgment of the Division Bench of this court in Musa Khans' case (both *supra*), pertaining to surveillance registers.

The hearing in that petition, i.e. CRM-M-36564-2020, is adjourned to 31.03.2021.

A photocopy of this order be placed on the file of the other connected case.

**December 22, 2020
nitin**

**(AMOL RATTAN SINGH)
JUDGE**

सत्यमेव जयते