

**CWP-PIL-93-2023 (O&M) and other connected cases**

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

Present:- Ms. Tanu Bedi, Advocate as *Amicus Curiae* and  
Ms. Palak Singla, Advocate.

Mr. Gurminder Singh, Advocate General, Punjab with  
Mr. ADS Sukhija, Addl. A.G., Punjab.

Mr. Satyapal Jain, Additional Solicitor General of India with  
Mr. Arun Gosain, Senior Govt. Counsel for the respondent/UOI.

Mr. Prabodh Kumar, Special Director General of Police,  
PSHRC-cum-Head of the SIT. (through video conferencing).

Mr. Arun Pal Singh, ADGP (Prisons), Punjab  
(through video conferencing).

Mr. Rahul Dev Singh, Addl. A.G., Haryana.

Mr. Munish Bansal, Public Prosecutor, UT, Chandigarh and  
Mr. Rajiv Vij, Additional Public Prosecutor for UT, Chandigarh.

Mr. Vishwajeet Singh, Advocate for the applicant  
in CM-85-CWPIL-2023.

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In compliance of the order dated 12.09.2024, learned State counsel has filed an affidavit of the Assistant Inspector General of Police, Litigation, Bureau of Investigation, Punjab in Court wherein it is mentioned that show cause notices have been issued to four officers including the then SSP of the District SAS Nagar as to why disciplinary proceedings be not initiated against them. He has also filed an affidavit of the Additional Director General of Police, Prisons, Punjab indicating the progress made in installation of jammers, AI based CCTV cameras, body worn cameras, X-Ray baggage scanners and prison inmate calling system. The affidavits are taken on record and copies thereof have been furnished to learned *Amicus Curiae* who prays for time to go through the same.

**CWP-PIL-93-2023 (O&M) and other connected cases**  
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Learned State counsel submits that sanction has been accorded by the Finance Department, Punjab on 20.09.2024.

Mr. Prabodh Kumar, Special Director General of Police, Punjab State Human Rights Commission, while appearing through video conferencing, submits that in pursuance to the order passed by this Court on 12.09.2024, copies of all the relevant documents have been handed over to the Director General of Police, Rajasthan.

Learned counsel for the respondent/UOI has furnished a copy of the communication issued by the Under Secretary to the Government of India, Ministry of Home Affairs to the Additional Solicitor General of India dated 18.09.2024 indicating that 'no objection certificate' to the State Government has been accorded vide letter of even number dated 23.08.2024 to the proposal of the Department of Jails, Govt. of Punjab for deployment of jammers in its jails. The said communication is taken on record.

Mr. Arun Pal Singh, ADGP (Prisons), Punjab, while appearing through video conferencing, submits that no objection certificate for installation of jammers in the Central Jail, Sri Goindwal Sahib is still pending consideration before the Govt. of India.

Learned counsel representing the Union of India submits that in the event of any proposal being under consideration of the Union of India, the same shall be decided and conveyed to the State Govt. expeditiously.

Learned *Amicus Curiae* submits that the interviewee had been kept at the premises of the CIA Staff Kharar for a long period of time and repeated remands had been taken to keep him there which needs to be examined as to

**CWP-PIL-93-2023 (O&M) and other connected cases**  
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whether there was a deliberate attempt to keep him there for extraneous reasons or he was genuinely required for investigation.

It has also been brought to our notice by the counsel for State of Punjab that Inspector Shiv Kumar, the then Incharge of the CIA Staff, Kharar had retired in the year 2023. However, the affidavit filed by the ADGP (Prisons) indicates that Inspector Shiv Kumar was Incharge of the CIA Staff Kharar till January, 2024.

It is disconcerting to believe that an officer, who had superannuated, had been given extension and posted at CIA Staff Kharar.

Learned State counsel prays for time to seek instructions in this regard and file an affidavit of the competent authority as to why he was given extension and posted at CIA Staff Kharar. The State shall also file an affidavit in response to the submission of the learned *Amicus Curiae* with regard to stay of interviewee at CIA Staff Kharar and as to whether the officers who have been issued show cause notices are currently at posts having public dealing.

He may do so before the next date of hearing.

List on 15.10.2024.

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

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**(LAPITA BANERJI)**  
**JUDGE**

**September 24, 2024**

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