
(1987) 08 P&H CK 0007

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ No. 413 of 1987

Surjit Singh Sood, Advocate

APPELLANT

Vs

State of Punjab and anr.

RESPONDENT

Date of Decision : 18-08-1987

Acts Referred:

Citation : (1988) 1 RCR(Criminal) 314

Hon'ble Judges : Pritpal Singh, J

Advocate : A.K. Kulshresta, K.P. Bhandari, H.S. Nagra, G.S. Grewal, Advocates
for appearing Parties

Judgement

Pritpal Singh, J.

1. Shri Gurcharan Singh Tohra has been detained under the National Security Act in Raipur Jail in Madhya Pradesh. In the instant writ petition Shri Surjit Singh Sood, Advocate of Jalandhar, through his counsel Mr. G.S. Grewal, has raised three points. First that the detenu is not being allowed by the jail authorities to meet his counsel; second that proper food is not being supplied to the detenu and third, that the detenu is being kept in solitary confinement and so his detention is punitive in character.

2. So far as the first point is concerned, I have already ordered on July 17, 1987 in Crl. Misc. 93 of 1987, filed in this writ petition, that as held by the Supreme Court in *Francies Coralie Mullin v. The Administrator, Union Territory of Delhi and others*, AIR 1981 Supreme Court 746, the detenu should be allowed to meet his legal adviser at any reasonable hour during the day after taking appointment from the Superintendent of the Jail, which appointment should be given by the Superintendent without any avoidable delay. It was also certified that the interview need not necessarily take place in the presence of a jail official, but if thought necessary, a jail official may watch the interview but not so as to be within hearing distance of the detenu and the legal adviser. The first prayer of the detenu, therefore, stands fulfilled.

3. Adverting to the second point, an undertaking was given by the learned counsel appearing for the Madhya Pradesh Government on July 29, 1987 that the Madhya Pradesh Government will be willing to redress any grievance of the detenu in respect of food which is reasonable and in accordance with Rules. The learned petitioner's counsel felt satisfied with this undertaking.

4. The last contention that the detenu is being kept in solitary confinement is vehemently denied on affidavit by Shri R.R. Khanna Superintendent, Central jail, Raipur. The Superintendent has averred that the detenu is lodged in a barrack in the jail and he can freely move about in the two lawns attached to the barrack. He has been provided with the services of two prisoners; one of whom cooks his food as per his instructions and the other washes his clothes and looks after his personal requirements such as providing tea etc. The Superintendent has further testified that the detenu has been provided with recreation facilities such as playing cards, badminton, carrom board, etc. and that he regularly plays badminton with two officers of the jail. He is also allowed to freely mix with the jail staff as well as the hospital staff. According to the Jail Superintendent there is another detenu in the jail, namely, Amrik Singh who has also been detained under the national Security Act and that if Shri Tohra wants to meet him, the State Government will allow him to do so. From the affidavit filed by the Jail Superintendent it has certainly not been borne out that the detenu has been detained in solitary confinement. It is also pertinent to highlight that no averment has been made in this regard by the detenu Gurcharan Singh Tohra himself. It is only the petitioner Shri Surjit Singh Sood, Advocate, who has vaguely made this allegation in the petition without giving any details whatsoever in support of the allegation.

5. In the circumstances mentioned above, no further directions need be given to the respondents and this petition stands disposed of accordingly.