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CWP-PIL-22-2023 and CWP-11390-2023

Arrive Safe Society vs. State of Punjab and others

Present:- Mr. Ravi Kamal Gupta, Advocate,
for the petitioner (in CWP-PIL-22-2023).

Mr. Lalit Singla, Advocate,
and Ms. Varsha Sharma, Advocate,
for the petitioner (in CWP-11390-2023).

Mr. Gurminder Singh, Advocate General, Punjab,
with Mr. V.G. Jauhar, Addl. A.G., Punjab.

Mr. Anil Mehta, Advocate,
for U.T., Chandigarh.

Ms. Gurpreet Kaur, Advocate,
for Mr. GPS Bal, Advocate,
for the Protestors.

Mr. G.S. Dhaliwal, Advocate,
for the “*Morcha*”.

Mr. Abhinav Sood, Advocate,
and Mr. Nitesh Jhahria, Advocate,
for respondent Nos.6 to 10.

Counter affidavit of the petitioner has already been filed in pursuance of the earlier order. Another affidavit dated 09.10.2023 of Dr. Sandeep Kumar Garg, IPS, Senior Superintendent of Police, SAS Nagar, Mohali has been filed.

It has been averred in the affidavit that after the proceedings of this Court dated 05.09.2023, various high level meetings were held on 12.09.2023, 20.09.2023, 23.09.2023, 28.09.2023 and 07.10.2023 with the representatives of *Qaumi Insaaf Morcha*, who had given the details of their demands which have been mentioned in the affidavit, which read thus:-

“(i) Enhancement of punishment in cases of sacrilege with the Central Government.

(ii) The State Government and UT Administration will sympathetically consider the cases of Lakhwinder Singh, Gurmeet Singh, Shamsher Singh and Paramjit Singh Bheora for pre-mature release in accordance with law, in view of their good conduct.

(iii) Cases for pre-mature release of Gurdeep Singh and Devender Pal Singh Bhullar will be taken up with the concerned Governments for expeditious disposal as per law. Regarding this issue, CRWP 5003 of 2022 filed by Devender Pal Singh is pending before Hon'ble Punjab and Haryana High Court and next date of hearing is 18.10.2023.

(iv) Expeditious conclusion of the trial of cases against Jagtar Singh Hawara and Jagtar Singh Tara.”

The fact that one of the issues is already pending consideration before this Court in CRM-M-13654-2016 for 09.11.2023 was also mentioned. Averments are made that efforts are being made to resolve the issues peacefully and amicably and completely lift the *dharna* at the earliest.

Mr. Ravi Kamal Gupta has submitted that the site in question does not have any substantial number of protestors any more and the agitation as such is losing steam. It is accordingly contended that rather as a matter of protection, it is the police authorities who are not opening up the roads on both the sides and traffic is only being permitted on one side of the divider.

The Advocate General has suggested that it would necessarily be appropriate if a joint operation is conducted both by the Chandigarh Police and the Punjab Police with assistance from the Central Government Agencies to clear the site.

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In such circumstances, we direct impleadment of Union of India through Secretary, Ministry of Home Affairs, New Delhi as respondent No.11. Accordingly notice is issued to the said respondent for 15.11.2023. Office to make necessary corrections in the Memo of Parties.

Copy of the order be also supplied to Mr. S.P. Jain, Addl. Solicitor General of India.

Photocopy of the order be placed on the file of connected case.

(G.S. SANDHAWALIA)
JUDGE

09.10.2023
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(HARPREET KAUR JEEWAN)
JUDGE