Public Prosecutors -6= -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17576 of 2009
Date of Decision: 24.02.2011

H.C.Arora

...Petitioner

Versus

State of Punjab and another

...Respondents.

CORAM: HON'BLE MR. JUSTICE RANJAN GOGOI, CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present : Mr. Vikram Bajaj, Advocate, for the petitioner.

Mr. Rupinder Khosla, Addl. A.G. Punjab and
Ms. Madhu Dayal, Addl. A.G. Punjab
for the respondents.

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RANJAN GOGOI, C.J.(Oral)

This Public Interest Litigation has been filed seeking to highlight the shortage of the Public Prosecutors in different Criminal Courts of the State of Punjab. In view of the existing shortage of the Public Prosecutors, a specific prayer has been made that 15 Addl. District Attorneys, who are now working in the office of the State Legal Services Authority, Punjab be sent to the Prosecution & Litigation Department of the Government for being posted in the Courts.

Pursuant to the order of the Court dated 18.01.2011, an additional affidavit has been filed by the Under Secretary to the Government of Punjab, Department of Home & Affairs & Justice. In the said affidavit, the number of Courts of Sessions Judges/Addl. Sessions Judges/Fast Track Courts and Courts of Magistrates have been mentioned. The number of District Attorneys/Deputy District Attorneys/Addl. District Attorneys deployed in such Courts along

with number of sanctioned posts; filled up posts and vacancies available have also been indicated. In the additional affidavit there is further mention of the steps that have been taken or in the offing for appointment including creation of the additional posts of the District Attorneys/Deputy District Attorneys/Addl. District Attorneys in different Courts.

It is the duty and obligation of the State to ensure that each Criminal Court in the state of Punjab, at whatever level, has the services of a Public Prosecutor available. The facts stated in the additional affidavit indicates that the position as on date is otherwise and there are Courts in which the services of the Public Prosecutors are not available.

Mr. Rupinder Khosla, Addl. Advocate General, Punjab has submitted that every endaveour will be made to post at least one Public Prosecutor in each Court and the State would take up the matter on an immediate basis and ensure that each Court of the State of Punjab is provided with the services of a Public Prosecutor, at whatever level, i.e. District Attorney/Deputy District Attorney/Addl. District Attorney effective from 01.04.2011.

In view of the aforesaid stand taken on behalf of the state of Punjab we are of the view that no further orders in this PIL will be called for. PIL shall accordingly disposed of in terms of the aforesaid undertaking made on behalf of the State of Punjab.

A copy of this order be given dasti to Mr. Rupinder Khosla, Addl. A.G. Punjab, under the signatures of the Bench Secretary.

(RANJAN GOGOI)
CHIEF JUSTICE

(AUGUSTINE GEORGE MASIH)
JUDGE

24.02.2011
'ravinder'

PUNJAB AND HARYANA HIGH COURT