

(1990) 02 P&H CK 0053

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 2501 of 1980

Dharma

APPELLANT

Vs

State of Haryana and anr.

RESPONDENT

Date of Decision : 16-02-1990

Acts Referred:

Citation : (1990) 2 RCR(Criminal) 16

Hon'ble Judges : A.P.Chowdhri, J

Advocate : H.P.S. Aulakh, Advocates for appearing Parties

Judgement

A.P. Chowdhri, J.

1. The petitioner is undergoing life imprisonment following his conviction in a murder case. According to his averments, he belongs to a village in District Mohindergarh and was committed to District Jail, Mohindergarh. In the last month of 1988, he was transferred from District Jail, Mohindergarh to District Jail, Bhiwani on account of some repairs being carried out in the former Jail. The repairs had since been completed. But the petitioner has not since been transferred back to Mohindergarh Jail. According to the instructions in the Punjab Jail Manual, as applicable to State of Haryana, a prisoner was required to be kept in the Jail where he was committed in the first instance and ordinarily he was not to be transferred to another jail. He has, therefore, filed the present petition for necessary directions so that he should be transferred back to the jail at Mohindergarh.

2. In the reply filed by the respondents in the form of written statement of Randhir Singh, Superintendent of District Jail, Bhiwani, it has been stated that at the time of conviction the petitioner was young and was, therefore, confined to B.I. and J. Jail at Hisar. He was confined to District Jail, Mohindergarh only for two brief periods from November, 1985 to February, 1986 and October, 1987 to August, 1988. He was transferred to District Jail, Bhiwani as there was overcrowding in the jail at Mohindergarh. It was denied that any repairs were being carried out in Jail at Mohindergarh. It was further maintained that

overcrowding at Mohindergarh jail continued. In view of the return, no directions can be given. It is, however, expected that if and when overcrowding ceases and a request for retransfer is made by the petitioner, the same shall be allowed according to the spirit of the instructions contained in the Jail Manual. These instructions are based on a wholesome principle that the prisoner does not lose touch with the members of his family and especially in view of the conditions prevailing in our countryside that most of the people have very modest means and cannot meet their kith and kin in the jail. The petition is disposed of in these terms.