
(2000) 11 P&H CK 0150

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 14304-M of 2000

Manohar Lal

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 10-11-2000

Acts Referred:

Citation : (2000) 4 AICLR 514 : (2000) 4 RCR(Criminal) 839

Hon'ble Judges : S.S.Nijjar, J

Advocate : Mrs. Sarla Chaudhary, Advocate. Mr. Sidharth Sarup, AAG, Haryana.,
Advocates for appearing Parties

Judgement

S.S. Nijjar, J. (Oral)

1. In this petition under Section 482 Cr.P.C. read with Articles 226/227 of the Constitution of India, petitioner seeks transfer from Central Jail, Hisar to District Jail, Gurgaon and for quashing of the rejection report given by respondent No. 1 by his order dated 28.2.2000. It is the case of the petitioner that the aforesaid order has been passed arbitrarily and without giving any reason. A perusal of the order also shows that it is a nonspeaking order. No reasons whatsoever have been given. The petitioner is stated to be 72 years old and is suffering from urinary problems. The son of the petitioner has been pleading the case with the authorities for transfer so that an effective medical treatment can be given to the petitioner.

2. Reply has been filed by the respondents. In the reply, the only reason justifying the rejection is that there is very small accommodation at District Jail, Gurgaon, where undertrial prisoners facing trial in the Court of District Gurgaon are being kept for trial of their cases. It is also stated that, at present, the population of inmates in District Jail, Gurgaon, is more than four times against its authorised accommodation of inmates. Therefore, it is impossible to adjust more convicted prisoners at District Jail, Gurgaon.

3. When the matter came up for hearing on 1.11.2000, it was argued by the

learned counsel for the petitioner that a large number of prisoners have been transferred to District Jail, Gurgaon, even after filing of the present petition. She also stated that the petitioner is not being transferred deliberately to District Jail, Gurgaon.

4. In view of the above, learned counsel appearing for the State of Haryana was requested to make available to this Court the list of prisoners who have been transferred subsequent to the filing of the present petition. Mr. Sidharth Sarup has handed over a list of prisoners who have been transferred to District Jail, Gurgaon, after the filing of the present petition. This list shows that 10 prisoners have been transferred to District Jail, Gurgaon, from various jails in the State of Haryana as well as from the State of Rajasthan.

In such circumstances, I find no justification for the respondents to deny the request of the petitioner. The list handed over by Mr. Sidharth Sarup is taken on record and the same is marked as "X" for identification.

5. In view of the above, this petition is allowed. Respondent No. 1 is directed to transfer the petitioner from Central Jail, Hisar to District Jail, Gurgaon. Let the transfer be effected immediately on receipt of a copy of this order.