
(1990) 04 P&H CK 0022

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 2763 of 1989

Mehal Singh

APPELLANT

Vs

State of Punjab and ors.

RESPONDENT

Date of Decision : 02-04-1990

Acts Referred:

Citation : (1990) 04 P&H CK 0022

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

Advocate : M. P. Gupta, M. S. Cheema, Advocates for appearing Parties

Judgement

A. P. Chowdhri, J.

1. The petitioner was undergoing life imprisonment following his conviction in a murder case under orders of learned Sessions Judge, Kurukshetra, dated 1081981 in Central Jail, Ambala. At the time of the occurrence for which the petitioner was convicted and sentenced, he belonged to village Manakpur, Police Station Guhla, District Kurukshetra. After the conviction and on account of fear of the opposite party. his father and other members of the family shifted to village Kalarm, Police Station Samania, District Patiala. On a request made by the petitioner and under reciprocal arrangement, the petitioner was shifted from Central Jail, Ambala (Haryana) to Central Jail, Patiala (Panjab) on 671986. The petitioner had undergone 14 years 6 months and 13 days including the undertrial period and the remissions earned by him. His father died. The remaining members of the family because of change of circumstances shifted back to the native village Manakpur whereafter the petitioner made a fresh application for his transfer back to Central Jail, Ambala. The application was made on 2421988 and it was rejected by Inspector General of Prisons, Punjab on 3131988. The order rejecting his prayer failed to convey any reason for the rejection. Through this writ petition, the petitioner has challenged the said order as arbitrary and contrary to the well accepted policy that a prisoner ought to be kept at such a place where he does not lose active touch with other members of his family.

2. In the return, the above facts have not been controverted. The only plea put

forward in paragraph 9 of the return is that the petitioner was not entitled to claim a transfer back to the State of Haryana as it was on his request that he had been transferred to the State of Punjab on reciprocal basis.

3. Learned counsel for the respondents has not brought to my notice the relevant provisions, if any, of the Jail Manual or instructions on the subject. It cannot be denied that as a matter of principle, the prisoner ought to be kept at a place where the members of his family can meet him as frequently as their circumstances and rules in this behalf permit. Contact with the other members of the family has a great stabilising influence on the prisoner. In the absence of any statutory rule or instruction, there is no bar on the prisoner making a request for his retransfer. It is no ground to refuse such a request that on an earlier occasion the same very prisoner had been transferred from one State to another. It is, therefore, directed that the request of the petitioner shall be reconsidered in the light of the observations made in this order and the request shall be disposed of by a reasoned order within two months from receipt of a copy of this order. A copy of this order be sent to Inspector General of Prisons, Punjab, as well as to Inspector General of Prisons, Haryana.