
(1995) 10 P&H CK 0056

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 17554-M of 1995

Sakatar Singh

APPELLANT

Vs

Secretary to Govt.of Haryana

RESPONDENT

Date of Decision : 17-10-1995

Acts Referred:

Citation : (1995) 10 P&H CK 0056

Hon'ble Judges : Swatanter Kumar, J

Advocate : Niti Kaushal, Advocates for appearing Parties

Judgement

Swatanter Kumar, J.

1. Mr. N.S. Bhinder, D.A. Haryana accepts notice. I have heard the learned counsel for the parties.
2. The present petition is under Section 482 of the Code of Criminal Procedure and Article 226 of the Constitution of India for transfer of the petitioner from Ambala Central Jail to Amritsar Central Jail on the grounds that his father is of 90 years old, his mother is of 85 years old and he has two minor children and the means of their subsistence is daily labour wages.
3. Learned counsel for the petitioner submits that the request of the petitioner has been declined by the Jail authorities without any reasonable justification and even copy of the order of rejection has not been furnished to her client so far.
4. Certainly such a request cannot be considered as a matter of legal right, but a person undergoing sentence cannot be deprived of his social and family life entirely. If the request is not unreasonable and is not opposed by the State for any valid reason, I find no reason as to why the request of the petitioner be not allowed. In these circumstances, the petition is allowed to the extent that respondent No. 2 is directed to consider the request of the petitioner afresh and if such request for any valid reason has been rejected by the said respondent, the petitioner shall be furnished the copy of the same within one week of the

passing of such order. Respondent No. 2 shall dispose of the request of the petitioner within one week from the date of the receipt of copy of this order.