

(1990) 06 P&H CK 0037
In the Punjab And Haryana At Chandigarh
Case No : Criminal Writ No. 776 of 1990

Surjit Singh

APPELLANT

Vs

State of Haryana and ors.

RESPONDENT

Date of Decision : 13-06-1990

Acts Referred:

Citation : (1990) 3 RCR(Criminal) 489

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

Advocate : Sunil Chadha, S.S. Dalal, Advocates for appearing Parties

Judgement

A.P. Chowdhri, J.

1. Only a few facts need to be stated in order to deal with the short question raised in this petition. The petitioner belongs to village Chappar, near Jind, which is a District Headquarter in the State of Haryana. He was tried in a murder case and sentenced to life imprisonment by learned Sessions Judge, Karnal on 29.8.81. Thereafter, he was shifted to Central Jail, Hissar, Central Jail, Ambala and again to Central Jail, Karnal. while at Karnal there was overcrowding in the jail and, therefore, he was again transferred to Central Jail, Ambala in 1983. He made a request that he may be transferred to Central Jail, Karnal or Jind as on the earlier occasion he had been shifted from Central Jail, Ambala on the ground that the climate and the water available at Ambala did not suit his health. Instead of sending him to Karnal or Jind the prisoner was shifted to Central Jail, Hissar. He made an unsuccessful request. He renewed the request which was duly endorsed by the Jail doctor but eventually rejected by the Inspector General, Prisons.

2. Through this writ petition, the petitioner has assailed the order of rejection as totally arbitrary.

3. It is not disputed that the petitioner is about 65 years old and keeps an indifferent health. He is an old case of heart burn. No doubt paragraph 739 of the Punjab Jail Manual specifies in Clauses (a) to (i) certain eventualities for the

transfer of a prisoner from one jail in the State to another jail and these grounds do not include a ground of nearness to one's relatives and friends. Evidently the grounds mentioned in the said paragraph reproduced in Annexure R2 are not exhaustive. It has been repeatedly laid down by the Supreme Court that by mere conviction a prisoner does not cease to be possessed of certain basic rights including the right to be treated with human dignity and given all reasonable facilities consistent with his incarceration. It is well accepted that continuous contact with one's family members and friends has a great stabilising influence on a person. If a person is not to be completely dehumanised such a healing touch is necessary. This is especially so in the case like the present one where the relations of the prisoner are people of modest means and cannot undertake long journeys in order to meet the petitioner. All these facts were required to be taken into consideration by the Inspector General, Prisons. For these reasons the petition is allowed and it is directed that the Inspector General, Prisons, Haryana, shall reconsider his decision and subject to other relevant consideration, pass an appropriate order and consider if it is possible to transfer the petitioner to Distt. Jail, Jind. A copy of this order be sent to Inspector General of Prisons, who shall pass a speaking order within one month of the receipt of this order. The petition is disposed of in these terms.