



2026:DHC:5635-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 17.04.2026
Pronounced on: 15.07.2026

+ W.P.(CRL) 4266/2025 & CRL.M.A. 38378/2025

ROHIT RANA @ MOI

.....Petitioner

Through: Dr. Surender Singh Hooda,
Advocate.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing
Counsel (Crl.) with Mr.Aryam
Sachdeva and Mr.Abhinav Kr.
Arya, Advs. and ASI Anil
Kumar, Special Staff, Outer
North District for State.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

J U D G M E N T

RAVINDER DUDEJA, J.

INTRODUCTION:

The present Writ Petition under Articles 226 and 227 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [“**BNSS**”] has been filed by the petitioner, an undertrial prisoner presently lodged in Central Jail No. 2, Tihar, challenging,



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- (i) the Transfer Order dated 11.11.2025 passed by the Director General [“DG”] Prisons, Delhi;
- (ii) the Notice dated 14.11.2025 issued by the Jail Superintendent of Central Jail No. 15, Mandoli;
- (iii) the Order dated 04.12.2025 passed by DG Prisons, Delhi, and
- (iv) Seeking directions in the nature of Certiorari for quashing and setting aside Rule 1382 of the Delhi Prison Rules, 2018 as *ultra vires* the Delhi Prisons Act, 2000 and the Prisoners Act, 1900; and
- (v) Seeking a direction to transfer the petitioner to any high security prison other than Central Jail No. 2, Tihar.

BRIEF FACTS:

1. It is the case of the petitioner that the petitioner, Mr. Rohit Rana @ Moi, was arrested on 3rd March, 2020 in connection with FIR No. 401/2019, registered at Police Station Narela, under Sections 302/34 of the Indian Penal Code, 1860 [“IPC”] and Section 27 of the Arms Act, 1959, wherein Jitendra @ Gogi, Kuldeep @ Fajja and Kapil Mann were also arrayed as co-accused. It is also the case of the petitioner that since his arrest, he has been publicly associated with the infamous Gogi Gang, and has been perceived to be its member.

2. He was thereafter remanded to judicial custody by the learned Trial Court, *vide* order dated 14th March, 2020, was designated as a High Risk Undertrial Prisoner, and was lodged in the High Risk Ward of Central Jail No. 2, Tihar Jail.



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3. On 11th February, 2023, the petitioner was shifted to Central Jail No. 15, Mandoli, in the designated separate prison for High Security Inmates.
4. On 31st October 2025, the petitioner was called by the Superintendent, Central Jail No. 15, Mandoli and was informed that he would be transferred to Central Jail No. 2, Tihar.
5. The petitioner, feeling aggrieved by the proposed transfer, and apprehending danger to his life and personal safety from the various rival gang members lodged in Central Jail No. 2, approached the learned Additional Sessions Judge, North, Rohini Courts, Delhi [“ASJ”], on 04th November, 2025, with an application seeking, *inter alia*, directions to keep the petitioner in Central Jail No. 15, Mandoli and not to transfer him to Central Jail No. 2, Tihar.
6. *Vide* order dated 07th November, 2025, the learned ASJ directed the Jail Superintendent to give the petitioner a notice of at least 15 working days, to obtain his written response and to consider the same before arriving at any decision regarding his transfer from Central Jail No. 15, Mandoli, to any other Jail.
7. The petitioner also preferred a parallel Writ Petition (Crl.) No. 3675/2025 before this Court, seeking similar reliefs as prayed before the learned ASJ. The said petition was, however, dismissed by this Court on 24th November, 2025, on account of concealment of the fact of having filed a similar application before the learned ASJ.
8. In the meanwhile, on 14th November, 2025, the petitioner was given a Notice regarding his transfer from Central Jail No. 15, Mandoli to Central Jail No. 2, Tihar, in terms of the Order of the



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Prison Headquarters dated 11th November, 2025. The petitioner was also called upon to submit his response within 15 working days.

9. Subsequently, *vide* order dated 04th December, 2025, the respondents rejected the petitioner's representation. It was noted in the said order that a number of punishments have been awarded to the petitioner for recovery of mobile phones and other prohibited articles, hanging curtains to block CCTV surveillance, etc. It was further noted that a meeting chaired by the Additional Inspector General (Prisons) was conducted on 03.11.2025, wherein, in view of the petitioner's involvement in illegal activities at Central Jail No. 15, Mandoli and considering the need for transferring him to a prison with a better cell phone jamming facility, it was decided to shift him to Central Jail No. 2, Tihar.

10. The petitioner then filed yet another Writ Petition, bearing W.P.(Crl.) No. 3939/2025 before this Court, challenging the Transfer Order dated 11th November, 2025, Notice dated 14th November, 2025, and Rule 1382 of the Delhi Prison Rules, 2018. However, the same was withdrawn with liberty to file a fresh petition in the light of the Status Report dated 08th December, 2025, noting rejection of the petitioner's representation seeking transfer to any other High Security Jail except Central Jail No. 2, Tihar by the respondents.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER:

Threat to Life & Safety of the Petitioner



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11.1 It was submitted by the learned counsel for the petitioner that petitioner is perceived to be associated with the Jitendra @ Gogi Gang. Several members of the rival Neeraj Bawana Gang, namely Neeraj Bawana @ Bali, Parvesh Mann, and Sandeep @ Dhilu are presently lodged in Central Jail No. 2, Tihar and have animosity towards the petitioner. The learned counsel submitted that there is also a long history of inter-gang violence between the two gangs and cited several incidents of murders and attacks allegedly between the two gangs. It was contended that the impugned transfer exposes the petitioner to a grave and imminent risk of his life and personal safety, and the same is in violation of Article 21 of the Constitution of India.

11.2 In this behalf, reliance was placed on a specific incident that is said to have occurred on 17th March, 2026, between 3.00 pm – 4.00 pm, in the Video Conferencing Room of the prison, where, the petitioner was allegedly exposed to one Sandeep @ Dhilu, allegedly a member of the rival Neeraj Bawana gang, who is stated to have openly threatened to kill the petitioner. It was submitted that the petitioner's apprehension of threat to his life is due to failure of the prison authorities to isolate him from the rival gang inmates, despite being aware of the existing gang rivalry.

Rule 1382 of Delhi Prison Rules, 2018 is *ultra vires* the Delhi Prisons Act, 2000 and the Prisoners Act, 1900

12.1 It was contended that neither the Delhi Prisons Act, 2000 (hereinafter referred to as, 'Delhi Prisons Act') nor the Prisoners Act, 1900 (hereinafter referred to as, 'Prisoners Act'), confers any power



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upon the jail authorities, or specifically, upon the Inspector General [“IG”] to transfer an undertrial prisoner from one prison to another.

12.2 It was submitted that Rule 1382 of the Delhi Prison Rules, 2018 (hereinafter referred to as, ‘Delhi Prison Rules’) is *ultra vires* the provisions of the Delhi Prisons Act and Prisoners Act for travelling beyond the scope of the enabling Act by delegating the power to the IG to transfer undertrial prisoners from one prison to another. The learned counsel submitted that the Delhi Prisons Act lacks any enabling provision in support of Rule 1382 of the Delhi Prison Rules. He placed reliance on the judgment of the Supreme Court in ***State of Karnataka & Anr. v. H. Ganesh Kamath & Ors.***, (1983) 2 SCC 402, and ***General Officer Commanding-in-Chief & Anr. v. Dr. Subhash Chandra Yadav & Anr.***, (1988) 2 SCC 351, to submit that the rule-making power conferred by an Act, does not enable the rule-making authority to make a rule which travels beyond the scope of the enabling Act.

12.3 It was argued that the power for classification and separation of prisoners conferred by Section 71(2)(xvii) of the Delhi Prisons Act does not include the power to transfer prisoners, but only prescribes for their segregation and division into different classes of prisoners. The learned counsel submitted that the said provision would only empower the respondents to classify the petitioner as a ‘high-risk prisoner’ and keep him in isolation, and cannot be stretched so far as to include the power of transfer.

12.4 It was therefore argued that the jail authorities have no power to transfer an undertrial prisoner from one prison to another and the said



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power is only vested in the Court which remanded the prisoner to custody. In this regard, reliance was placed on the judgment of the Supreme Court in *State of Maharashtra & Ors. v. Saeed Sohail Sheikh & Ors.*, (2012) 13 SCC 192.

Violation of the Order dated 07th November, 2025, passed by the learned Additional Sessions Judge.

13.1 It was contended by the learned counsel that the notice dated 14th November, 2025 was merely informing the petitioner of his transfer to Central Jail No. 2, Tihar, which had already been decided by way of the Order dated 11th November, 2025. The same is said to be in violation of the Order dated 07th November, 2025, whereby, the learned ASJ directed the respondents to provide the petitioner a notice of at least 15 working days in case of a future transfer, to provide a written response, and directed them to consider the same before arriving at any decision *qua* his transfer.

Alternate Submission:

14.1 Lastly, it was submitted that even assuming that the respondents possessed the authority to transfer the petitioner, there was no rational basis for shifting him specifically to Central Jail No. 2, Tihar, when several other high security facilities are available in other jails.

14.2 It was therefore prayed that the impugned orders be set aside and appropriate directions be issued to the respondents to transfer the petitioner to any other High Security Prison, other than Central Jail No. 2, Tihar.



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SUBMISSIONS OF THE LEARNED STANDING COUNSEL FOR THE RESPONDENTS

Involvement of the petitioner in multiple illegal activities and running a syndicate from Mandoli Jail.

15.1 It was submitted by the learned Standing Counsel that the petitioner is a high-risk inmate, who is involved in as many as 19 cases, and whose conduct in Central Jail No. 15, Mandoli had been highly unsatisfactory. He submitted that the petitioner was found indulging in activities prejudicial to the prison discipline and security while lodged there. It was submitted that the petitioner has been awarded as many as nine punishments for repeated breaches of prison discipline, including recovery of mobile phones, recovery of prohibited articles, and hanging of clothes/curtains to block CCTV surveillance. The petitioner was running a syndicate from Central Jail No. 15, Mandoli and posed a genuine security concern. He submitted that the impugned transfer of the petitioner was made to stop him from running illegal activities and syndicates from inside the jail premises.

The decision to transfer is a purely administrative function

16.1 It was further submitted that the transfer, placement, and segregation of prisoners, is a decision that falls squarely within the exclusive domain of the prison administration. There are no definitions of 'gang' or 'anti-gang' prisoners within Delhi Prisons. The prison administration maintains High-Security Wards across multiple jails, including Jail No. 1, 2, 3, 4, 5, 8/9, 10 & 15 and that the placement of high-risk inmates in a particular ward is a matter of professional assessment undertaken after considering threat



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perception, security classification, inmate conduct, rivalries and overall institutional requirements.

16.2 The learned Standing Counsel further submitted that there is no vested or fundamental right with a prisoner for being lodged in one jail to another, as the same falls within the domain of prison administration and is subject to security considerations. The Courts can only interfere where such decision is arbitrary or *mala fide*. However, in the present case, the petitioner has failed to demonstrate any *mala fide* or arbitrariness in exercise of this power by the respondents. In support, he placed reliance on the judgments of the Supreme Court in ***State of Maharashtra v. Sayyed Noor Hasan Gulam Hussain @ Bawa***, 1994 SCC OnLine Bom 166; ***S. Balamurugan & Ors. v. Inspector General of Prisons & Anr.***, 1995 SCC OnLine Mad 393; and ***State of Jharkhand & Ors. v. Vikash Tiwary @ Bikash Tiwary***, (2025) 3 SCC 226.

16.3 It was also contended that the directions given by the learned ASJ regarding 15 day notice for written representation, were also duly complied by the respondents before transferring the petitioner to Central Jail No. 2, Tihar.

The petitioner's transfer is in compliance with relevant rules and statutes:

17.1 It was submitted that the transfer was undertaken in exercise of powers under Section 28 & 71 of Delhi Prisons Act and the Rules 664 (vii), 668, 1382, 1403 & 1421 of the Delhi Prisons Rules, and formed part of a larger administrative exercise concerning several high-risk inmates, and was not an isolated action directed against the petitioner



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alone. Further, Section 29 of the Prisoners Act empowers the State Government to remove any prisoner from one prison to another within the State.

17.2 It was submitted that Section 71(2)(xvii) of Delhi Prisons Act deals with classification and separation of prisoners, and Section 28(6) provides for keeping dangerous prisoners separately. Further, Rule 664(vii) of the Delhi Prison Rules relates to transfer of prisoners from one prison to another on the grounds of security and expediency etc. It was also submitted that Rule 1421 of the Delhi Prison Rules contained in Chapter XXV, dealing with “High-Risk Prisoners”, empowers the Superintendent to recommend the shifting of a high-risk prisoner, who commits frequent breaches to the IG of Prisons, and Rule 668 of the said Rules empowers the IG to make such transfers.

ANALYSIS AND FINDINGS:

18. We have considered the submissions made by the learned counsels for the parties and have perused the record.

19. “Prisons” is a State subject under Entry-4 in List II of the Seventh Schedule to the Constitution. The management and administration of prisons come under the purview of the State Government. They maintain their own prison manuals, though the Central Legislation establishes the baseline regulations. Accordingly, the Delhi Prisons Act and the Delhi Prison Rules govern the administration and management of prisons in Delhi.

20. The learned counsel for the petitioner has challenged Rule 1382 of the Delhi Prison Rules as *ultra vires* the Parent Act, that is, the Delhi Prisons Act and the Prisoners Act. The learned counsel for the



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petitioner submits that rules cannot travel beyond the scope of the parent Act and should be within the scope of the rule-making authority.

21. However, it is observed that the rules are an elongation and in the purposeful implementation of the Parent Act. In order to be held *ultra vires* the Parent Act, the impugned Rule has to specifically derogate or transgress the authority of the parent Act. In the present case, neither has happened, as the Parent Act, that is, the Delhi Prisons Act, under Section 71 authorises the State Government to make rules in respect to the matters described in Section 71(2), which includes the power to make rules regarding classification and separation of a prisoner. Hence, the Rules delegating to the prison administration the power to transfer prisoners, have been framed in compliance with the parent statute, that is the Delhi Prisons Act.

22. At this stage, it is relevant to look at Section 71 (2)¹ of the Delhi Prisons Act, which is reproduced as under:

“Section 71 – Powers of Government to make Rules

(1) The Government may make rules generally to carry out the Provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

xxx

(viii) for the classification of prisons, and description and construction of wards, cells and other places of detention;

xxx

(xvii) for the classification and the separation

¹ The provision as published on the official website of Central Jail, (Govt of NCT of Delhi), <https://tiharprisons.delhi.gov.in/tiharprisons/acts-rules>



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of prisoner...”

23. This statutory framework is further reinforced by the Prisoners Act. Section 3 of the Act obligates the officer in charge of a prison, to receive and detain every prisoner committed to his custody until he is lawfully discharged or removed in due course of law. Section 28 of the Delhi Prisons Act specifically provides for the “Separation of Prisoners”. More importantly, Section 29(1) of the Prisoners Act provides that *“The State Government may, by general or special order, provide for the removal of any prisoner confined in a prison....”* Section 29(2) further provides that *“Subject to the orders, and under the control, of the State Government, the Inspector General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the State to any other prison in the State.”* These provisions unequivocally recognise the statutory power of the prison administration to transfer prisoners whenever warranted by administrative or security considerations.

24. A harmonious reading of Sections 28 and 71 of the Delhi Prisons Act together with Sections 3 and 29 of the Prisoners Act leaves no manner of doubt that the Legislature intended to confer adequate powers upon the prison administration to classify, segregate and transfer prisoners in the interest of prison security, discipline and effective administration.

25. Rules 1382 and 1421 of the Delhi Prison Rules merely operationalise the legislative policy embodied in the parent enactments by prescribing the procedure governing the management



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and transfer of high-risk prisoners. They neither create any substantive power beyond the Act, nor are they inconsistent with the provisions of either the Delhi Prisons Act or the Prisoners Act. On the contrary, they are in furtherance of the object sought to be achieved by the parent statutes. Consequently, the challenge to Rule 1382 as being *ultra vires* is devoid of merit and deserves to be rejected.

26. Rule 1382 of the Delhi Prisons Rules provides for separation and classification of prisoners as also their custody, and reads as under:

“Transfer

1382. During an emergency or on administrative grounds, the Inspector General is authorized to transfer under trial prisoners from one prison to another within territories of Delhi. The prisoner shall be produced before the court on the due date.”

27. Rule 1382 of the Delhi Prisons Rules provides the power to the IG to transfer an undertrial prisoner from one prison to another and is in consonance with the subject-matter of the parent Act. Insofar as the authority of the IG to transfer the petitioner under the said Rule is in challenge, the Delhi Prisons Act does not explicitly prohibit the IG from transferring any prisoner. Rather, the said Act authorises the State Government to frame Rules in this behalf.

28. In the absence of any established inconsistency with the parent Act, Rule 1382 of the Delhi Prisons Rules enjoys a presumption of validity.



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29. The petitioner's argument that classification and separation under Section 71(2)(xvii) of the Delhi Prison Act relate to segregation within the same prison and excludes the power to transfer a prisoner, is without merit and cannot be accepted.

30. Further, Rule 1421(I) of the Delhi Prisons Rules empowers the Superintendent to recommend transfer of a High Risk Prisoner involved in frequent breaches. The said Rule is not under challenge in the present petition. Rule 1421 (I) of the Delhi Prisons Rules is extracted as under:

“Punishment

1421. All high risk offenders can be punished by the Superintendent in case of breach of discipline and security of prison in the manner set forth in Chapter of Prison Discipline of this Manual. The Superintendent may take appropriate legal action against such prisoners and in case a high risk offender commits an offence which is punishable under any law in addition to being a prison offence, appropriate criminal process may be initiated against him by moving the local police station. In addition to the major and minor punishments provided in Chapter of prison discipline:

I. If a high risk offender commits frequent breaches, the Superintendent can recommend his shifting to any other prison to the Inspector General of Prisons...”

31. Further, Chapter IX of the Delhi Prison Rules, specifically dealing with the “Transfer of Prisoners”, enumerates various reasons for which a prisoner may be transferred. It provides that a prisoner may be transferred from one prison to another on grounds of security, expediency, etc.



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32. It is the case of the respondents that the petitioner was running a syndicate from Central Jail No. 15, Mandoli and had been involved in multiple breaches in prison, including possession of mobile phone and blocking of CCTV cameras. Hence, the petitioner's transfer on the ground of security concerns is valid and derives power from the Delhi Prisons Rules. The said Rule has also not been challenged by the petitioner. Chapter IX, Rule 664(I) and (VII) is reproduced hereunder:

“Reasons and Circumstances for Transfer

664. Prisoners may be transferred from one prison to another for the following reasons:

I. For custody and treatment in a suitable institution in accordance with the classification procedure/lodging policy.

xxx

VII. On grounds of security, expediency, etc...”

33. The petitioner's reliance on ***Saeed Sohail Sheikh*** (supra) to contend that the jail authorities have no power to transfer an undertrial prisoner from one prison to another is misplaced. The said judgment was based on interpretation of Section 29 of the Prisoners Act and Section 26 of the Prisons Act, 1894. The observations therein were made in a case where no explicit power to transfer had been delegated by the parent Act. Hence, the same is not applicable in the present case.

34. Determining the place of imprisonment is an administrative decision of the detaining authority, and in the absence of any *mala fide* or arbitrariness, a Court would not interfere in such day-to-day administrative decisions. A prisoner's fundamental right under Article 21 of the Constitution is not absolute and is qualified by relevant



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Rules and reasonable restrictions. In this regard, the Hon'ble Supreme Court in the case of **Vikash Tiwary** (supra) observed as under:

16. Moreover, in *Kalyan Chandra Sarkar v. Rajesh Ranjan* [(2005) 3 SCC 284 : 2005 SCC (Cri) 705], it was pointed out that a convict or an undertrial who disobeys the law of the land, cannot contend that it is not permissible to transfer him from one jail to another, because the Jail Manual does not provide for it. The relevant portion is reproduced below : (SCC pp. 292-93, para 23)

“23. Therefore, in our opinion, a convict or an undertrial who disobeys the law of the land, cannot contend that it is not permissible to transfer him from one jail to another because the Jail Manual does not provide for it. If the factual situation requires the transfer of a prisoner from one prison to another, be he a convict or an undertrial, courts are not to be a helpless bystander when the rule of law is being challenged with impunity. The arms of law are long enough to remedy the situation even by transferring a prisoner from one prison to another, that is by assuming that the Jail Manual concerned does not provide such a transfer. In our opinion, the argument of the learned counsel, as noted above, undermines the authority and majesty of law. The facts narrated hereinabove clearly show that the respondent has time and again flouted the law even while he was in custody and sometimes even when he was on bail. We must note herein with all seriousness that the authorities manning Beur jail and the doctors concerned of Patna Medical College Hospital, for their own reasons, either willingly or otherwise, have enabled the respondent to flout the law. In this process, we think the authorities concerned, especially the authorities at Beur Central Jail, Patna, are not in a position to control the illegal activities of the respondent. Therefore, it is imperative that the respondent be transferred outside Bihar.”



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35. Thus, it is vivid that if circumstances necessitate the transfer of a prisoner from one jail to another, it can be done by the authority concerned.

36. Furthermore, the Supreme Court in **Geetinder Kaur v. State of Punjab & Ors.**, 1985 SCC OnLine SC 348, has categorically held that:

“3. ...The place of detention is a matter for the administrative choice of the detaining authority, and a court would be justified in interfering with that decision only if it was in violation of any specific provision of the law or was vitiated by arbitrary considerations and mala fides...”

37. In the case of in **State of Maharashtra v. Sayyed Noor Hasan Gulam Hussain** (supra), it was held that classification of the prisoners and their placement in different prisons by the prison administration is a relevant policy decision. The discretion and power to interfere by the Courts in such matters does exist, yet it should be used very sparingly.

38. Similarly, in the case of **Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav & Anr.**, (2005) 3 SCC 284, it was held that the right of a prisoner under Article 21 of the Constitution to be lodged in a jail and general prohibition against his transfer to a distantly located jail in the State or out of the State, is not absolute; it is also subject to the amenability of the prisoner to the maintenance of jail discipline. The relevant passage of the said decision reads as under:



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“21. The fundamental right of an undertrial prisoner under Article 21 of the Constitution is not absolute. His right of visitation as also other rights are provided in the Jail Manual. The respondent as an undertrial prisoner was bound to maintain the internal discipline of the jail. Such a fundamental right is circumscribed by the prison manual and other relevant statutes imposing reasonable restrictions on such right. The provisions of the Bihar Jail Manual or other relevant statutes having not been declared unconstitutional, the respondent was bound to abide by such statutory rules.”

39. Hence, it is lucid that transfer of a prisoner from one prison to another is purely an administrative decision, and hence, the same cannot be interfered with by the Court, unless it is arbitrary and contrary to law.

40. The decision to transfer the petitioner from one prison to another was a policy decision, determined and based on various facts and circumstances. The Courts must be slow in interfering with such policy decisions. In the present case, the petitioner has failed to bring on record any arbitrariness in the administrative decision taken by the respondents. The impugned administrative decision of transfer was taken with respect to multiple prisoners and does not single out the petitioner. Hence, in the absence of any illegality or arbitrariness in the decision of the respondents, we are not inclined to interfere with the petitioner's transfer to Central Jail No. 2, Tihar.

41. The transfer order dated 04th December, 2025, issued by the respondents is a reasoned order, and was passed after considering the response given by the petitioner opposing such transfer. Considering



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the threat apprehension of the petitioner from his rival gang members, instructions in the form of an Advisory regarding safe custody are also said to have been issued by the Director General of Prisons to the Jail Superintendent for regulating the movement, lodging, etc. of the petitioner in the high security wards. The said advisory also provides that “all necessary measures must be taken to ensure that rival inmates/groups do not come in contact with each other under any circumstance”. The said transfer order is, therefore, found to be in compliance with the order dated 07th November, 2025, whereby the learned ASJ directed the respondents to consider the petitioner’s response and grant him at least 15 working days to respond to the proposed transfer. The record indicates that the petitioner was granted an opportunity to respond and the said response was considered by passing a reasoned rejection.

42. The learned counsel for the petitioner alleged that an incident occurred in the Video Conferencing Room of the prison, where the petitioner was exposed to a member of the rival Neeraj Bawana gang. We do not find any merit in the same. In this regard, the CCTV footage of the Video Conferencing Room placed on record, has been examined by us. On an examination of the said CCTV footage, we find that no material is discernible which would support the petitioner's claim that any threat was extended to him by a rival gang member. The footage does not reveal any physical altercation, confrontation or any face-to-face encounter between the petitioner and the inmate belonging to the rival group. On the contrary, the footage indicates that the petitioner and the other inmates present in the Video



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Conferencing Room remained under the supervision of prison staff and no untoward incident took place.

43. With regard to the petitioner's apprehension regarding the lodging of rival gang members in the same prison being a threat to his life, we are of the view that the same is without merit and based on mere apprehensions. The petitioner is stated to be lodged in a High Security Prison under the strict surveillance of the prison authorities. Mere lodging of rival gang members in the same prison is not sufficient to make out a case for transfer. Further, mere apprehension, without reasonable, substantial and actual evidence of threat is insufficient to challenge such transfer. Such apprehensions cannot be entertained in the light of the respondent's categorical undertaking that the petitioner is lodged in a High Security Ward and adequate measures are in place to ensure his safety.

44. The safety and security of an inmate is the responsibility of the prison administration. The respondents are directed to ensure safe custody of the petitioner in prison and take adequate steps to block face-to-face access of the petitioner with the members of the rival gangs. Needless to say that Jail Superintendent of Central Jail No. 2, Tihar shall also be bound by the "Advisory regarding the safe custody of High Risk Prisoner Rohit @ Moi" dated 04th December, 2025, issued by the Director General of Prisons, Prison Headquarters, Tihar.

CONCLUSION:

45. We are satisfied that the transfer of the petitioner to Central Jail No. 2, Tihar was based on administrative and security considerations and cannot be said to be arbitrary, *mala fide* or unreasoned.



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46. The decision falls within the power and responsibilities of the prison administration and does not warrant any interference by this Court in exercise of writ jurisdiction.

47. Hence, for the reasons recorded above, we are of the view that there is no violation of any constitutional or legal right of the petitioner.

48. The present Writ Petition, along with the pending application, is accordingly dismissed.

49. There shall be no orders as to costs.

RAVINDER DUDEJA, J.

NAVIN CHAWLA, J.

JULY 15, 2026/MA