

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-12350-2015
Date of decision:28.04.2015**

Jagpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.A.S.Brar, Advocate for the petitioner**RAMESHWAR SINGH MALIK, J. (Oral)**

Feeling aggrieved against the order dated 24.12.2014 passed by respondent No.2, whereby prayer of the petitioner for transfer from Central Jail, Patiala, to Modern Jail, Faridkot, was dismissed, petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.'), seeking a direction to the respondent authorities for transferring the petitioner from Central Jail, Patiala, to Modern Jail, Faridkot.

Learned counsel for the petitioner submits that respondent No2 has misdirected himself, while passing the impugned order. Petitioner committed no jail offence, while highlighting grave mis-management in the Modern Jail, Faridkot. He further submits that petitioner had every right to do so. Only because petitioner has highlighted the mal-administration in jail premises, he has been made the victim by the respondent-jail authorities. He prays for allowing the present petition by setting aside the impugned order (Annexure P-7).

Having heard the learned counsel for the petitioner at

considerable length, after careful perusal of record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that the impugned order dated 24.12.2014 (Annexure P-7) is an administrative order and the same is well reasoned which has been passed after discussing each and every relevant aspect of the matter. It has been specifically observed in the impugned order that the petitioner was transferred from Modern Jail, Patiala to Central Jail, Patiala, only on administrative grounds. Having said that, this Court feels no hesitation to conclude that the impugned order is well justified on facts as well as in law and the same deserves to be upheld.

Despite making his best efforts, learned counsel for the petitioner could not point out any patent illegality or jurisdictional error in the impugned order passed by respondent No.2 so as to convince this Court to take a different view than the one taken by respondent No.2, while passing the impugned order. Although, powers of this Court under Section 482 Cr.P.C. are wide enough yet it is equally true that the same are supposed to be exercised sparingly and with circumspection so as to advance the cause of justice.

In the present case, this Court feels no hesitation to hold that it is the petitioner himself who is responsible for the present situation being faced by him. A conducive atmosphere within the jail premises has to be maintained. Petitioner has got no indefeasible right to indulge in the unwarranted activities. Faced with such an unwarranted situation created by the petitioner, it was rightly thought appropriate by the respondent-jail authorities to transfer the petitioner from Modern Jail, Faridkot to Central Jail, Patiala so as to maintain proper law and order situation within the jail

premises and also to avoid any untoward incident. Under these circumstances, it is unhesitatingly held that respondent-jail authorities have committed no error of law, while passing the impugned order and the same deserves to be upheld for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the instant petition stands dismissed.

28.04.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE