

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-27631-2015 (O&M)

DATE OF DECISION :- December 19, 2016

Rampal and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. S.K. Garg Narwana, Senior Advocate
with Mr. Naveen Gupta, Advocate for the petitioners.

Mr. Deepak Sabarwal, Additional Advocate General, Haryana.

M.JEYAPPAUL, J.

C.M. No. 11595 of 2016

Heard.

The application is allowed.

CRM-M-27631-2015

The petition is filed by Ram Pal and Ram Sarup Sehgal seeking quashment of the impugned order dated 5.8.2015 (Annexure P-1) passed by Jail Superintendent, Central Jail, Hisar rejecting the plea of the 2nd petitioner praying for permission to meet petitioner no.1 for collecting the information and necessary documents required for the cases pending at Rohtak, Hissar District Courts and also before this Court.

We heard the submissions made on either side.

In CRM-21240-2015 in CROCP No. 12 of 2014 having given

liberty to the 2nd petitioner herein to submit an application to have an interview with the 1st petitioner for the purpose of collecting the required information and documents for defending the 1st petitioner, directed the Jail Superintendent to pass appropriate orders on the above application in terms of para 559A of the Punjab Jail Manual.

Accordingly, 2nd petitioner moved an application before the Jail Superintendent, Central Jail, Hisar on 3.8.2015. Vide order dated 5.8.2015, Jail Superintendent, Central Jail II, Hisar rejected the above plea made by the 2nd petitioner.

Learned counsel appearing on either side brought to our notice para 559 and 559A of the Punjab Jail Manual. As per para 559A not only the relatives but friends also are entitled to meet the undertrial prisoner subject to two interviews in a week.

The reply along with the relevant documents submitted by the Jail Superintendent discloses that the Advocates appointed by the 1st petitioner has been regularly meeting the 1st petitioner to pursue the cases pending as against him.

On a careful perusal of the petition submitted by the 2nd petitioner before the Jail Superintendent, we find that the 2nd petitioner has prayed for a meeting with the 1st petitioner for collection of information and necessary documents required for the purpose of pending cases as against the 1st petitioner in order to supply the same to the counsel concerned.

Inasmuch as Advocates are regularly visiting jail premises to meet the 1st petitioner for the aforesaid purpose, the 2nd petitioner cannot be permitted to meet the 1st petitioner for the purpose mentioned in the

application. Further, it is far fetched an imagination that the undertrial is having in his possession documents required for the cases pending as against him. Of course, the 2nd petitioner is entitled to have an interview with the 1st petitioner in his capacity as a friend subject to the conditions adumbrated under para 559A but he cannot be permitted to meet him for the purpose of collecting information and necessary documents required for the pending cases against the 1st petitioner, more especially when the Advocates nominated by the 1st petitioner are meeting him regularly for such purpose.

The petition stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(DARSHAN SINGH)
JUDGE

December 19, 2016
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No