

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-No.28822 of 2016

Decided on:-01.12.2016.

Kuldeep Singh @ Keepa

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Nandan Jindal, Advocate for the petitioner.

Mr.Sandeep Vashisht, DAG, Haryana.

Mr.Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer made in the instant petition filed under Section 482 Cr.P.C. is for quashing of the order dated 08.03.2016(Annexure P-1) passed by respondent No.1 i.e. *the Director General Prisons, Haryana, Sector-14, Panchkula*, whereby the claim of the petitioner-convict for transfer from District Jail, Kaithal to District Jail, Sangrur (Punjab) has been declined.

Communication/office order dated 08.03.2016 passed by respondent No.1-The Director General Prisons, Haryana, Sector-14, Panchkula, reads as under:-

“From

*The Director General Prisons, Haryana,
Sector 14, Panchkula.*

To

*The Registrar General
Punjab and Haryana High Court
Chandigarh*

Subject: Regarding transfer of the convict Kuldeep Singh alias Keepa son of Baldev Singh from District Jail Kaithal to District Jail, Sangrur (Punjab).

In reference to your office letter No.1516 dated 9.12.2015, in the above mentioned subject;

Regarding the above mentioned subject, it is to inform you that regarding the transfer of convict Kuldeep singh alias Keepa son of Baldev Singh from District Jail Kaithal to District Jail, Sangrur (Punjab), a letter was written to the Hon'ble Director General Prisons, Punjab, Chandigarh in which he vide his letter No.GI/J-7/721-23 dated 6.2.2016 has written that in the State of Punjab, the Jails are overburdened and hard core criminals are there in the jails. Therefore, his case for transfer of Jail in the State of Punjab is hereby rejected.

Sd/-

*Chief Superintending Officer
For Director General Prisons,
Haryana.*

Dated 8.3.2016”

Learned counsel for the petitioner has argued that the petitioner is a permanent resident of State of Punjab and his old parents are residing in Village Kahangarh, Police Station Bareta, District Mansa, which is approximately 30 kilometers from District Jail, Sangrur. Therefore, considering the old parents of the petitioner and he being a permanent resident of State of Punjab, he be transferred from District Jail, Kaithal to Jail somewhere in District Mansa or District Sangrur. In support of his contention, he has referred to para Nos. 657 and 658 of the Punjab Jail Manual, 1996 which dealt with the transfer of prisoners from outside the State.

Reply dated 24.09.2016 on behalf of respondents No. 1 and 3 by way of affidavit of Raj Kumar, Superintendent Jail, District Jail Kaithal

as well as reply dated 06.10.2016 on behalf of respondents No. 2 and 4 by way of affidavit of Hardeep Singh, PPS, Superintendent District Jail Sangrur, have already been filed. As per the reply filed on behalf of respondents No. 2 & 4, as many as seven FIRs have been registered against the petitioner.

Learned counsels for the States of Punjab and Haryana have submitted that taking into consideration the nature of cases registered against the petitioner, he falls within the category of hardcore criminals. They further submit that since the most of the cases registered against him are in the State of Haryana, the petitioner is bound to be confined within the jail in Haryana. They have also submitted that so far as provisions of Sections 657 and 658 of the Punjab Jail Manual, 1996 are concerned, the same are not attracted in the present case.

Heard.

Para Nos. 657 and 658 of the Punjab Jail Manual, 1996 reads as under:-

“657. Adult male convicts where to be confined.-All adult male prisoners except lifers should be allowed to stay in District/Central Jails nearest to their Home District. Lifer prisoners are allowed to stay in Central Jail nearest to their Home District.

658. Power of Inspector-General to detention and transfer.-Nothing in these rules contained regulating the prisoners to be confined in each class of jails, shall be deemed in any way to interfere with the power of Inspector-General, for sufficient reason, in his discretion, by general or special order, to direct that any class or classes or prisoners shall be confined in or transferred to any jail or class of jails.”

Therefore, taking into consideration the fact that as many as seven cases have been registered against the petitioner and the offences made therein are serious in nature, coupled with the fact that provisions of Sections 657 and 658 of the Punjab Jail Manual, 1996 are not attracted in the present case, this Court finds that order dated 08.03.2016(Annexure P-1) passed by respondent No.1-the Director General Prisons, Haryana, Sector-14, Panchkula does not require any interference by this Court, same being a decision of administrative authorities.

Dismissed.

01.12.2016
Anjal

(HARI PAL VERMA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>