

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 24.04.2018

1. CRM-M-15931-2018 (O&M)

Rajesh @ Sarkari

....Petitioner

Versus

State of Haryana and others

....Respondents

2. CRM-M-2748-2018 (O&M)

Rajesh @ Sarkari

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ravinder Hooda, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

This order shall dispose of aforesaid two petitions i.e. CRM-M-15931-2018 and CRM-M-2748-2018.

Prayer in CRM-M-15931-2018 is for providing adequate security to the petitioner while he is taken to attend the Court proceedings at District Courts, Sonapat from Central Jail-I, Hisar, as the petitioner apprehends threat to his life from a rival gang. The prayer in CRM-M-2748-2018 is for setting aside the order dated 09.01.2018 passed by the

Additional Sessions Judge, Sonapat, vide which the petitioner has been transferred from District Jail, Sonapat to Central Jail, Hisar.

Brief facts of the case are that the petitioner along with his co-accused are facing trial in FIR No.44 dated 13.02.2017 under Sections 364, 365, 302, 201, 450, 511, 506, 120-B of the Indian Penal Code (for short 'IPC') and Section 25 of Arms Act, Police Station City Gohana, District Sonapat and FIR No.55/2017 under Sections 364, 365, 302, 201, 450, 120-B and Section 25 of Arms Act. The Superintendent Jail, District Jail, Sonapat requested the Additional Sessions Judge, vide letter dated 01.01.2018 (Annexure P-3) that the convict Rajesh @ Sarkari be shifted from District Jail, Sonapat to some other jail, as he is undergoing life imprisonment in FIR No.781/06 under Sections 302, 34 IPC, Police Station Civil Lines, Rohtak and is also facing trial in two aforesaid FIR Nos.44 & 55. It is further stated in the letter that the petitioner is gang leader of Sarkari Gang and his purpose to enter in District Jail, Sonapat is to create nuisance and teach lesson to the rival gang, whose members are confined in the jail and therefore, it will create law and order problem within the jail premises, as even in the year 2008, the petitioner threatened the Deputy Superintendent of Jail, who is also presently posted in District Jail, Sonapat.

The aforesaid request of the Superintendent Jail, District Jail, Sonapat was accepted by the Additional Sessions Judge, Sonapat vide impugned order dated 09.01.2018.

Learned counsel for the petitioner submits that since the petitioner is facing trial in two aforesaid FIRs No.44 and 55 at District Courts, Sonapat, it will be appropriate to keep the petitioner in District Jail,

Sonepat or in the alternative, adequate security arrangements may be made at the time, when the petitioner is brought to attend the Court proceedings at District Courts, Sonepat from Central Jail, Hisar and taking him back to Central Jail, Hisar.

Learned counsel for the petitioner further submits that the petitioner may be granted liberty to approach the trial Court for his transfer from Central Jail-I, Hisar to any other jail, except District Jail, Sonepat.

After hearing learned counsel for the petitioner, I find no merit, so far as the impugned order dated 09.01.2018 is concerned. It is prerogative of the State Govt. to run the jail administration properly and in the instant case, the Superintendent Jail, District Jail, Sonepat has shown a reasonable apprehension that the petitioner, being a gang leader of Sarkari Gang, has started re-grouping his gang, while he was an inmate in District Jail, Sonepat and was enticing other jail inmates, thereby causing hindrance in smooth functioning of the jail and was causing constant threat to the jail discipline and security. Moreover, the rival gang members of Sandeep Barwasani gang are also confined in District Jail, Sonepat, therefore, the Additional Sessions Judge, vide impugned order dated 09.01.2018, has rightly transferred the petitioner from District Jail, Sonepat to Central Jail-I, Hisar.

However, with regard to prayer of the petitioner that he has apprehension to his life and liberty, while producing him before District Courts, Sonepat to attend the Court proceedings from Central Jail-I, Hisar, it is directed that the Superintendent Jail, Central Jail-I, Hisar and Superintendent of Police, Hisar will make adequate security arrangements

for the petitioner as and when he is required to attend the Court proceedings at Sonapat.

Needless to say that if the trial Court deems it appropriate to conduct the Court proceedings by way of video conferencing and do not think it appropriate that personal appearance of the petitioner is required, the trial Court may, by passing an appropriate order, direct the jail authorities in this regard.

However, it will be open for the petitioner to move the trial Court for his transfer from Central Jail-I, Hisar to any other jail, except District Jail, Sonapat, in accordance with law.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

24.04.2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No