

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-21460-2018 (O&M)
DATE OF DECISION :- July 05, 2018

Gurjant Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Attri, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. Gurjant Singh has filed this petition for issuance of direction to transfer his son from Central Jail, Patiala to some other jail on the ground that there is threat to life of his son.

2. It is averred in the petition that son of the petitioner namely Gurmeet Singh @ Kala is in custody in FIR No. 271 dated 15.10.2012, under Sections 307, 353, 186, 34 of Indian Penal Code registered at Police Station Patran, District Patiala, Punjab and that he is also convicted in some other cases. It is also averred that his son has been in custody since 14.11.2012 without having been released on parole even for a single day during the last 5 years and 6 months. It is further averred that though he was transferred to the District Jail, Ropar from District Jail, Hoshiarpur but subsequently, he was transferred to Central Jail, Patiala on directions of respondent No.4 who is having a personal enmity against son of the petitioner. The petitioner has submitted that his son is being kept in 'Old Chakki' which was closed since 15-20 years but had been specially opened

to confine petitioner's son and to torture him. It is further averred therein that son of the petitioner is not permitted to go to canteen and that inhuman behavior is being met out to him.

3. Notice of the petition was issued to the State. Mr. Kuldeep Singh, Sr. DAG, Punjab has filed reply in the shape of affidavit of respondent No.4, wherein it has been deposed that Gurmeet Singh @ Kala was confined in District Jail Sangrur on 19.11.2012 as an undertrial in a case registered against him vide FIR No. 14 dated 24.02.2012, Police Station Sherpur for offences under Sections 302, 307 of Indian Penal Code and under Section 25 of the Arms Act and was subsequently transferred to Maximum Security Jail, Nabha on 15.04.2013 on administrative grounds and thereafter transferred to New Jail, Nabha from Maximum Security Jail, Nabha on administrative grounds on 06.10.2013 and was subsequently convicted and sentenced to rigorous imprisonment for life in said case on 31.10.2015.

4. The petitioner's son is also stated to be convicted in several other cases mentioned therein apart from several pending cases. All the material allegations pertaining to alleged inhuman treatment met out to the petitioner's son have been denied. It has been categorically stated that petitioner's son has been transferred several times from one jail to other on administrative grounds and that his behavior and conduct was found unsatisfactory. It is further stated therein that due to behavior of the petitioner's son, he had been transferred on 15.6.2016 from New District Jail, Nabha to Central Jail, Ludhiana and from Central Jail, Ludhiana to Central Jail, Faridkot on 12.07.2016 on administrative grounds and thereafter on 22.10.2016, he was transferred from Central Jail, Faridkot to

New District Jail, Nabha.

5. Sh. Lakhminder Singh, DIG, Prisons, Punjab has also filed reply by way of affidavit on behalf of respondents No. 1 to 3 wherein a stand identical to the one taken by respondent No.4 has been taken. It has further been stated therein that the petitioner is in habit of filing false and frivolous applications and petitions against jail officials to pressurize them to transfer him to jail of his choice and that previously he had filed an application to Home Secretary, Punjab against DSP Harbhajan Singh and other officials and that a petition has also been filed in this Court against Harbhajan Singh and others.

6. In view of the above referred conduct of petitioner's son, it transpires that the petitioner's son is a seasoned criminal involved in several cases and had been transferred from one jail to another on administrative grounds or on account of his conduct. There is nothing on record to show that petitioner's son is being met with inhuman treatment in the jail. As regards contention that petitioner's son has never been released on parole the order for grant of parole is not to be passed by the Superintendent of Jail and any such application would be considered *inter alia* on grounds of previous conduct of convict, likelihood of his maintaining peace and not getting involved in any criminal activity while on parole etc. Hardened criminals are disentitled to parole. In any case, the matter regarding grant of bail does not strictly fall within the preview of Superintendent of Jail, respondent No.4. I do not find any substance in the allegations levelled in the petition. There is no ground to direct transfer of the convict from Central Jail, Patiala to some other jail. It is purely an administrative function to be exercised by the competent authorities, keeping in view the administrative

requirements and also the conduct of the convict. There is no merit in this petition and the same is dismissed.

(GURVINDER SINGH GILL)
JUDGE

July 05, 2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No