

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

CRM-M-11954-2017 (O&M)

Date of Decision: 16.09.2019

Kuldeep Singh @ Keepa

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MS. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Naveen Sheoran, D.A.G. Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of direction to the respondents to transfer the prisoner/convict-petitioner/Kuldeep Singh @ Keepa from District Jail Gurugram (presently confined in Central Jail Hissar) to District Jail Sangrur or any other jail in the State of Punjab as the petitioner is undergoing sentence in FIR No.37 dated 22.03.2007, under Sections 302/392 IPC and 25 of Arms Act registered at Police Station Sunam.

Learned counsel for the petitioner submits that the petitioner is permanent resident of State of Punjab and he was involved in number of cases in District Ambala and Kaithal. It is further stated that in some of the cases, the petitioner was convicted and in some of the cases he was acquitted and he was involved in the FIR as aforesaid in which he was convicted for life imprisonment. It is further submitted that the presently the petitioner is not facing trial in any other case in the State of Haryana and all the FIRs registered against him culminated into his acquittal or conviction.

It is further submitted that the grounds for seeking transfer of the petitioner

from Central Jail, Hissar to Central Jail Sangrur or any other Jail in the State of Punjab is that he firstly resident of State of Punjab. Now, he is confined in a jail which is 300 k.m away from his ordinary place of residence. It is further submitted that his old aged parents and other family members are unable to meet him.

Learned counsel for the petitioner further submitted that the petitioner is permanent resident of village Kahangarh, Police Station Bareta District Mansa and the same is about 30 k.m away from the District Jail Sangrur, therefore, as per the provisions of para 654 and 657 of the Punjab Jail Manual, it can be transferred to jail which is near to place of residence.

Learned counsel for the petitioner further submitted that as per the provisions of para 657 of Punjab Jail Manual, an adult male prisoner undergoing life sentence is allowed to stay in Central Jail nearest to their home district.

Reply by way of affidavit of Superintendent, District Jail, Gurugram on behalf of respondents No.1 and 3 is on record. The details of the FIRs as well as the details of the acquittal and conviction of the petitioner is given. It is also stated that the petitioner escaped from the police custody on 17.8.2009 and he was re-arrested on 17.10.2009. Learned State counsel has, however, submitted that if the petitioner is transferred to some District Jail, Punjab, the State of Haryana has no serious objection.

Reply by way of affidavit of Superintendent District Jail, Sangrur on behalf of respondents No.2 and 4 is also filed in which again the details of the conviction of the appellant is given. It is admitted that that the petitioner is resident of District Sangrur. However, it is stated that the capacity of District Jail Sangrur is 650 and the present strength of inmates in

the jail is 946, therefore, it is no feasible to transfer the petitioner to District Jail Sangrur.

On a specific direction issued on 19.3.2019, Additional Director General of Police (Prisons) Punjab, Chandigarh was directed to file an affidavit if the petitioner can be transferred to some nearby Jail in Punjab. In the reply, an affidavit of Additional Director General of Police (Prisons) Punjab, Chandigarh is filed. In para-5, it is stated that Supereintendent Jail Bathinda vide letter dated 6.3.2019 has given consent to accommodate the petitioner subject to the condition that the petitioner must not be suffering from any deadly disease and no case is pending against him outside the State of Punjab.

It is further stated that a communication in this regard from Central Jail, Hissar is also received and it is stated that the petitioner is hardcore prisoner, therefore, he cannot be transferred to nearby his residential area.

After hearing learned counsel for the parties, this petition is allowed subject to the following conditions:

- (a) That the office of Director General of Police (Prisons), Haryana, shall issue a certificate that the petitioner is/or not facing trial in any case in the State of Haryana.
- (b) The Superintendent Jail shall also issue a certificate of Jail Doctor/Medical Officer stating that the petitioner is/or not suffering from any deadly disease. Thereafter, the petitioner be transferred to Central Jail, Bathinda from Central Jail, Hissar.
- (c) The Director General of Police (Prisons), Haryana as well as the Superintendent Jail, Hissar shall issue necessary certificates within a

period of 30 days from today and the petitioner, thereafter, be transferred within 30 days if both certificates meet the requirement of the affidavit of Additional Director General of Police (Prisons) Punjab, Chandigarh.

Accordingly, this petition is disposed of.

16.09.2019
rajeev

(ARVIND SINGH SANGWAN)
JUDGE

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