

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42678-2020 (O&M)
Date of Decision:-10.3.2021

Anita ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking issuance of a direction for transfer of her son namely Ajay @ Bittu from District Jail Rohtak to District Jail Gurugram as there is threat to the life of her son.
2. The petitioner's son is facing trial in the Court of Sessions at Sonapat in respect of FIR No.104 dated 11.3.2016 registered at Police Station Gannaur, District Sonapat under Sections 148, 149, 186, 302, 307, 333, 353, 120-B of Indian Penal Code and Section 25(54) of Arms Act, 1959.
3. It has been submitted that the petitioner's son namely Ajay @ Bittu, who is presently confined in District Jail Rohtak, is facing threat to his life from members of rival gang of criminals, who are also lodged in the same jail.

4. Pursuant to notice issued by this Court on 18.12.2020, the State has filed its reply, wherein it has virtually admitted the averments made in the petition regarding the threat perception of the petitioner's son namely Ajay @ Bittu. Para No.8 of the preliminary objections as raised in the said reply reads as follows:

“8. That, it is humbly submitted before this Hon'ble Court that the son of the petitioner namely Ajay @ Bittu s/o Krishan Chander is a hardcore criminal and some member related to his rival group/gang are already confined as inmates in this prison. Hence, there is every possibility of any untoward incident at any point of time in this jail at common places i.e. Canteen, Hospital, PICS (Prisoner inmates calling system), Video conferencing room and during his Court Peshi. Therefore due to safety point of view, presently he has been kept in Security ward for security purpose, since his confinement in this jail.

5. In view of the aforestated categoric reply, wherein the assertions of the petitioner regarding threat to the life of her son have virtually been admitted, the petition merits acceptance and is hereby accepted. The son of the petitioner namely Ajay @ Bittu is ordered to be transferred from District Jail Rohtak to District Jail Gurugram subject to the condition that the petitioner's son furnishes an undertaking before the Trial Court at Sonapat that he would have no objection for recording of evidence in his absence as it may not be possible for the State Authorities to take him from District Gurugram to District Sonapat on each and every date given the fact that the petitioner's son is stated to be a hardcore criminal.
6. Learned counsel representing the petitioner has submitted that the petitioner's son shall furnish the aforesaid undertaking before the Trial Court on the next date of hearing as may be fixed.

7. At this stage, learned State counsel has informed that infact the petitioner's son is facing trial in a large number of cases in District Rohtak, Sonapat and Jhajjar and perhaps in one or other Districts as well. Since, it would be difficult to take the petitioner's son in all these Districts if he is confined in District Jail Gurugram and which could unnecessarily lead to delay in conclusion of trial, the order of transfer shall also be subject to petitioner's son furnishing undertakings before the Trial Courts concerned regarding his "no objection" for conducting of cross-examination in his absence.
8. Learned counsel for the petitioner has submitted that the petitioner's son shall furnish such undertakings in all the Trial Courts, where he is facing trial.
9. Needless to mention, in case the Court itself desires the presence of the petitioner's son namely Ajay @ Bittu, it shall always be open to the Court to direct that the petitioner's son be produced before such Court on any or all such dates as required. If the Court deems necessary, the petitioner's son be associated with proceedings through video conferencing.
10. The petition stands disposed off accordingly.

10.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No