

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

255

CWP-9848-2022(O&M)
Date of decision:23.08.2022

AJAY @ JAILDAR

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Manish Soni, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

CM-8950-CWP-2022

The instant application has been filed seeking directions to official respondents to take appropriate & requisite action as per law and thereby to pass speaking order on the representation (Annexure P-2) dated 21.04.2022.

Learned counsel for the applicant-petitioner does not press the instant application.

The same is dismissed as not pressed.

CWP-9848-2022

The present petition has been filed by the petitioner under Article 226/227 of the Constitution of India seeking transfer of the petitioner from the District Jail, Bhondsi to any other jail in Haryana

apprehending threat to his life from a co-prisoner and gangster Naresh @ Kaushal.

Reply by way of affidavit of Satyabhan, Deputy Superintendent, District Jail, Gurugram has been filed on behalf of respondents No.1, 2 & 3, the same is taken on record. A copy thereof has been furnished to the counsel for the petitioner. The relevant extract of the same reads thus:-

4. *That, it is submitted before this Hon'ble Court that transfer of the under trial prisoner can be ordered by the Ld trial Court as per decision of the Hon'ble Apex Court order passed in case Kalvan Chandra Sarkar Vs. Rajesh Ranjan alias Pappu Yadav (2005)3 SCC-284, which is circulated by the Law and legislative department, Haryana vide their UO No 326G(18)Home Op. Br.07 dated 15-02 2007, which is annexed as Annexure R-2.*

5. *That, it is also submitted before the Hon'ble High Court that the under trial prisoner can be transferred from one Jail to other Jail by the trial court, in this regard this office has written a request letter to the Ld trial court of Sh. Mohd. Sageer, Judicial Magistrate First Class, Pataudi vide this office letter No 8398 dated 13-07-2022 for transfer to other Jail or producing through Video Conferencing system, which is annexed as Annexure R-3[T] & Annexure R-3. (The decision is awaited).*

A perusal of the same shows that the requisite letter for transfer of the jail of the petitioner is already pending before the Judicial Magistrate First Class, Pataudi.

In view thereof, learned counsel for the petitioner does not press the instant petition so as to pursue his remedy before the Judicial

Magistrate First Class, Pataudi. Needless to mention that an expeditious decision shall be taken by the Judicial Magistrate First Class, Pataudi on the said requisite letter after considering all the circumstances of the present case.

Dismissed as not pressed.

(VINOD S. BHARDWAJ)
JUDGE

23.08.2022
Amandeep

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