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

CRM-M-20141-2022

Date of decision : 11.05.2022

Kuljeet Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mrs. Bhupinder Pal Kaur Brar, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for issuance of directions to respondent No.2-Director General of Police, Jail Department, Punjab, Chandigarh, to consider the jail transfer of the petitioners which has already been recommended by respondent No.3-Superintendent, District Jail, Sri Muktsar Sahib, vide letter No.1248 dated 30.03.2022 for transferring the present petitioners from District Jail, Sri Muktsar Sahib to District Jail, Mansa.

Learned counsel for the petitioners has submitted that in the present case, the petitioners were arrested in FIR No.84 dated 01.07.2019 registered under Sections 302/148/149 of the Indian Penal Code, 1860, at Police Station Bhiki, District Mansa and the petitioners are facing trial for

the same. It is further submitted that the petitioners were transferred from Central Jail, Bathinda to District Jail, Sri Muktsar Sahib and the members of the opposite party of the case are also confined in the District Jail, Sri Muktsar Sahib and the petitioners apprehend danger to their life from the said opposite party. It is argued that the application dated 25.03.2022 (Annexure P-1) was accordingly moved by the petitioners and the same was forwarded by the Additional Sessions Judge, Mansa to the Superintendent District Jail, Sri Muktsar Sahib-respondent No.3 with a direction to further forward the same to respondent No.2-Director General of Police (Jails), Punjab, Chandigarh and that the Superintendent, District Jail, Sri Muktsar Sahib-respondent No.3 recommended the jail transfer of both the petitioners and forwarded the letter to respondent No.2 vide letter dated 30.03.2022. It is further argued that however, no final decision has been taken by respondent No.2 on the said recommendation.

Learned counsel for the petitioners has further submitted that the petitioners would be satisfied in case the present petition is disposed of with direction to respondent No.2 to take final decision on the said recommendation within a period of 10 days from the date of receipt of certified copy of the present order.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that decision on the said recommendation, in accordance with law, would be taken by respondent No.2 within a period of 10 days from the date of receipt of certified copy of the present order. It is further submitted by the learned

counsel for the State that in fact, it is ADGP (Prisons), Punjab who has to take final decision on the said recommendation.

Keeping in view the abovesaid facts and circumstances, the present petition is disposed of with direction to ADGP (Prisons), Punjab to take a final decision with respect to recommendation made by the Superintendent, District Jail, Sri Muktsar Sahib vide letter dated 30.03.2022, within a period of 10 days from the date of receipt of certified copy of the present order, recommending the transfer of both the petitioners from District Jail, Sri Muktsar Sahib to District Jail, Mansa.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

11.05.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**