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

**CRM-M-20970-2022
Date of Decision: 30.05.2022**

Rajinder Singh @ Johny

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure with a prayer for issuance of direction to respondent No.2 (Inspector General of Police, Jail Department, Punjab) to consider the jail transfer of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner is an undertrial in FIR No.44, dated 18.02.2021 under Sections 302, 34, 120-B of the IPC and Sections 25/54/59 of the Arms Act, registered at Police Station City Faridkot, District Faridkot. She submitted that two grounds are taken by the petitioner in the present case. Firstly, the mother of the petitioner resides in Faridkot and his son, who is the petitioner, is in jail at Sri Muktsar Sahib, it is inconvenient for her to meet him in jail. This Court while issuing notice of motion on 16.05.2022, had observed that the petitioner cannot seek any prayer for his transfer from the jail only on the

ground that some inconvenience is caused to the relatives especially in view of the fact that distance between Sri Muktsar Sahib and Faridkot is approximately 40 kms. However, so far as the second ground which is taken by the petitioner which pertains to the threat perception is concerned, notice of motion was issued with regard to the same. This Court had directed the State to seek instructions with regard to the threat perception to the petitioner in jail at Sri Muktsar Sahib.

On the other hand, Mr. R.S. Thind, learned Deputy Advocate General, Punjab has referred to the reply filed by way of affidavit of Superintendent, District Jail, Sri Muktsar Sahib during the course of proceeding and submitted that earlier the petitioner was transferred from Central Jail Faridkot to District Jail, Sri Muktsar Sahib on administrative basis on 13.10.2021 by the order of Additional Director General of Police (Jails), Punjab, Chandigarh and the reason for the jail transfer was bad and mischievous conduct of the inmate inside the jail. The transfer order dated 12.10.2021 was made vide Annexure R-1 and is not only pertaining to the petitioner but also pertaining to seven more undertrials, who were transferred out of Faridkot Jail to different other jails and the petitioner was transferred to Sri Muktsar Sahib. While further referring to the affidavit, he submitted that again due to bad and mischievous conduct of the petitioner inside the jail of Sri Muktsar Sahib, the matter was sent to the Additional Director General of Police (Jails), Punjab, Chandigarh for the transfer of the petitioner to another jail and now the petitioner has been transferred from District Jail Sri Muktsar Sahib to Central Jail, Ferozepur on administrative basis on 28.05.2022 and the order pertaining to the same has been annexed

as Annexure R-2. Learned DAG, Punjab further submitted that the distance between Faridkot and Ferozepur is approximately 32 kms. and has also submitted that so far as the contention raised by the learned counsel for the petitioner pertaining to threat perception at Sri Muktsar Sahib Jail is concerned, it does not sustain at all and in fact the present petition has become infructuous.

I have heard the learned counsel for the parties.

The issue involved in the present case pertains to transfer of the petitioner outside from District Jail, Sri Mutsar Sahib on the ground of alleged threat perception. Now an affidavit filed by the State whereby it is stated that w.e.f. 28.05.2022, the petitioner has now been transferred and shifted out from the jail of Sri Muktsar Sahib and has been lodged in jail at Ferozepur. This Court is of the view that considering the aforesaid position, no cause of action survives in the present case, since the petitioner is not in the jail of Sri Muktsar Sahib as of now as per the learned State counsel. Therefore, finding no merit in the present petition, the same is hereby dismissed.

30.05.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |