

235.

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

CRR-539-2018 (O&M)

Date of decision: 31.07.2023

State of Haryana

...Petitioner

VS

Ram Pal

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Karan Garg, AAG, Haryana.

Mr. Vinod Ghai, Senior Advocate with
Ms. Amrita Garg, Advocate for the respondent.

ARUN MONGA, J. (ORAL)

CRM-5113-2018

Prayer in this application is for condonation of delay of 80 days
in filing the present revision petition.

For the reasons stated in the application, the same is allowed.

Delay of 80 days in filing the present revision petition is condoned.

CRR-539-2018

Present revision petition has been filed against order dated
01.08.2017 passed by learned Additional Sessions Judge, Hisar whereby the
court has ordered for providing TV and cable network to the respondent.

2. Learned State counsel submits that vide order dated 22.05.2018,
operation of impugned order dated 01.08.2017 passed by learned Additional
Sessions Judge, Hisar was ordered to be stayed, whereas prayer was also for
staying the operation of order dated 22.09.2017 (Annexure P-11) passed by
Additional Sessions Judge, Hisar and the order was exactly the same. As per

instructions issued by Director General of Prisons, Haryana on 19.01.2007, T.V. sets can be installed in common halls/rooms/barracks meant for group of inmates of the jails, which has already been done in the case.

3. Learned senior counsel for respondent on instructions submits that the revision petition herein has been filed impugning order dated 01.08.2017 which was prior to the promulgation of Haryana Prison Rules, 2022. He further submits that as per the Rules, respondent is entitled to the benefit which has been directed to be provided as per the impugned order. He relies in particular to Rules 248 and 551 of said Rules, relevant extract of which read thus:-

248. (1) xxx xxx xxx
 (2) *The prison privileges admissible to prisoners confined in cells shall be as specified by the Director General, Superintendent, and as far as practicable, the same shall be provided in high security enclosure itself.*

xxx xxx xxx
 (7) *The reform and treatment programs may be extended to the prisoners lodged in the high security enclosure. These activities and programs shall be conducted within the enclosure itself and the prisoners shall not be taken out to mix with other prisoners.*

551. (1) *Sports, cultural and other recreational activities shall be organized in all prisons as integral part of the prison regime for maintaining mental and physical health of the prisoners. Yoga and meditation will be practiced daily for which special hours shall be earmarked. Separate space for meditation may also be provided. It shall be ensured that all discourses in the prison are secular in nature.*

(2) xxx xxx xxx
 (g) *Television: The channels to be shown and their timings, shall be prescribed by the Director General from time to time."*

4. However, learned State counsel submits that the Rules have though been framed but there is no such provision therein to provide the facility of television as a matter of right.

5. Be that as it may, the competent authority i.e., the Director General of Prisons to pass fresh orders in view of the aforesaid Rules. Reasons shall be given in the order if respondent is held not entitled to the benefit as claimed by him. Needful be done as expeditiously as possible not later than 60 days.
6. Disposed of, accordingly.
7. Needless to say that in view of the fact that the matter is being remanded to the competent authority, the impugned order shall not be given effect to till fresh decision is taken by the competent authority.
8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

31.07.2023

sanjeev

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