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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45909-2023(O&M)

Date of Decision: 14.09.2023

Mohd. Isha

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Munfaid Khan, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of appropriate order or direction for modifying the impugned order dated 26.05.2023 for transferring the petitioner from District Jail, Faridabad to District Jail, Nuh to face trial in FIR No.182 dated 31.08.2022, under Sections 307, 387, 506, 34 IPC and Section 25 of Arms Act, registered at Police Station Rozkameo, District Nuh.

2. Learned counsel for the petitioner has submitted that earlier the petitioner was lodged in District Jail, Nuh from where he was transferred to District Jail, Gurugram and thereafter, he filed an application before the learned Sessions Court that he should be transferred to District Jail, Nuh. However, the said application was opposed by the Public Prosecutor on the ground that from District Jail, Nuh, he was transferred because of his notorious activities. He submitted that now there is threat from inmates at District Jail, Faridabad and therefore, the petitioner may be sent to District Jail, Nuh.

3. I have heard the learned counsel for the petitioner.

4. It is a case where the petitioner is seeking transfer of jail. Earlier he was lodged in the jail at Nuh and he was transferred to District Jail, Gurugram on the basis of the fact that he was doing notorious activities but then he filed an application to be transferred back from Gurugram to Nuh which was opposed by the learned Public Prosecutor before the learned Additional Sessions Judge, Nuh. Therefore, the learned Additional Sessions Judge came to a conclusion that let the petitioner be transferred to District Jail, Faridabad which means neither at Nuh nor at Gurugram. An accused cannot choose a jail on his own. So far as the submission made by the learned counsel for the petitioner that there is a threat to the petitioner at District Jail, Faridabad from other inmates is concerned, it is always the duty of the jail authorities to look into the law and order situation inside the jail and also to protect the inmates.

5. This Court does not find any infirmity or perversity in the impugned order dated 26.05.2023 passed by the learned Additional Sessions Judge, Nuh and therefore, the present petition is dismissed.

14.09.2023*rakesh***(JASGURPREET SINGH PURI)
JUDGE**

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