

CRM-M-25333-2024 (O & M)

2024:PHHC:103979



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25333-2024 (O&M)
Date of Decision: 12.08.2024

Sajan Singh @ Ghanna

... Petitioner

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Akash Manocha, Advocate, and
Mr. Vishawjeet Singh, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for the issuance of directions to respondents No.1 and 2 to transfer the petitioner from District Jail, Mansa to Central jail, Amritsar.

2. The learned counsel for the petitioner contends that the petitioner is an accused in multiple cases where trials are pending either in the districts of Amritsar or Gurdaspur. However, he has been transferred from Central Jail, Amritsar to District Jail, Mansa on account of a clash which had taken place in Central Jail, Amritsar. He contends that on account of his transfer to District Jail, Mansa, he was not being produced before the Trial Courts at Amritsar/Gurdaspur leading to a delay in the conclusion of the Trials. He was a divorcee with a child and his old mother who was residing at Amritsar was unable to meet him at



Mansa which was at the distance of around 250 kms. He further states that *de hors* the allegations for which the petitioner had been transferred from Central Jail, Amritsar to District Jail, Mansa, he undertakes not to commit any such offence at Central Jail, Amritsar, if he was re-transferred there. He, thus, prays that directions be issued to respondents No.1 and 2 to transfer the petitioner from District Jail, Mansa to Central Jail, Amritsar.

3. The learned counsel for the State has filed a reply dated 10.08.2024 which is taken on record. While referring to the said reply, he contends that the petitioner had been transferred from Central Jail, Amritsar to District Jail, Mansa, on account of a clash which had taken place with other inmates of the Jail. Therefore, there was every likelihood that the petitioner would indulge in similar acts if he was re-transferred to Central Jail, Amritsar. He, therefore, contends that the present petition was liable to be dismissed.

4. I have heard the learned counsel for the parties.

5. Admittedly, the petitioner is an accused in multiple cases all of which are either pending in the district Amritsar or Gurdaspur. There would be some logistical problems in producing him before the Trial Courts in the said districts as he was to be taken from District Jail, Mansa. It would result in causing a delay in the conclusion of the Trials. Further, the petitioner is a divorcee with a child who is being looked after by his old mother, a resident of Amritsar, who was finding it difficult to meet her son (petitioner) at Mansa. Therefore, there is merit in the contentions raised by the learned counsel for the petitioner.

CRM-M-25333-2024 (O & M)

2024:PHHC:103979



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6. In view of the above discussion, the respondents are directed to transfer the petitioner from District Jail, Mansa back to Central Jail, Amritsar forthwith.

7. Needless to say, if the petitioner indulges in unlawful/illegal activities while being incarcerated at Central Jail, Amritsar, the authorities would be at liberty to transfer him again on Administrative grounds.

8. This petition is allowed in the above terms.

(JASJIT SINGH BEDI)
JUDGE

August 12, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No