

2024:PHHG:083308



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

CRM-M-25772-2024 (O&M)
Date of decision: 10.07.2024

Ravinder Singh @ Kali **...Petitioner**

Versus

State of Punjab and others **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Suvir Sidhu, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Sumit Jain, Addl. P.P., U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 482 Cr.P.C. seeking directions to the respondents for transferring him from Central Jail, Bathinda to any other jail in the State of Punjab or Union Territory, Chandigarh keeping in view his severe health condition.
2. Learned counsel for the petitioner submits that the petitioner is facing trial in six FIRs before the Courts at District SAS Nagar, Mohali and in two other FIRs, he is facing trial before the Courts at Chandigarh. Since the petitioner is in custody since long, the same has adversely affected his health. He is suffering from hypertension, diabetes, Mellitus-2, Migraine, Piles and anal fissure. It is further submitted that the petitioner is also facing trial in an FIR under the MCOCA Act before the Court at New Delhi and in order to get proper medical treatment, he had applied for grant of interim bail for a period

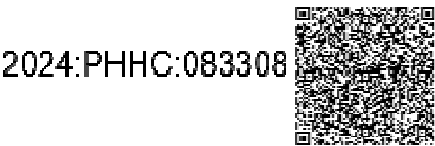
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of 60 days, which was allowed to him, keeping in view his medical condition. While granting interim bail to the petitioner, learned Special Judge, New Delhi, vide order dated 27.03.2024, had directed the jail authorities to get the petitioner admitted in hospital, where his family is based at, so that he could get proper treatment and care on his own expenses. The petitioner had moved applications before the Courts concerned to shift him to any jail around Chandigarh, so that he could get proper treatment for his diseases. Even learned Additional Sessions Judge, SAS Nagar had sought explanation of the Jail Superintendent, Central Jail, Bathinda as to why the petitioner was not being taken to PGIMER, Chandigarh for his treatment. With these broad submissions, it is argued that since the petitioner requires frequent visits to hospitals for the treatment of his diseases, for which, State machinery is set in motion every time and the State exchequer is burdened with the expenses incurred in this regard, the petitioner may be transferred to a jail, situated near Chandigarh.

3. Upon notice, reply on behalf of respondent-State (Punjab) has been filed. Learned State counsel has submitted that they have no objection if the petitioner is transferred from Bathinda jail to some other jail near or in Chandigarh. However, learned Additional P.P., U.T., Chandigarh has raised an objection with regard to transfer of the petitioner to Model Jail, Chandigarh on the ground that the said jail is already overburdened with the convicts and undertrials, hence, the petitioner should not be transferred thereto.

4. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.



5. A perusal of the record shows that the petitioner is facing trial in multiple cases before the Courts at SAS Nagar as well as Chandigarh. He is not maintaining good health as he is suffering several diseases. He needs consistent medical attention for his diseases. His family is based at Mohali and in the event of his transfer to Chandigarh jail, it will be easier for them to take care of the petitioner in a proper manner and on their own expenses. While lodged in Chandigarh jail, the petitioner can easily visit hospitals as well as attend Court proceedings as and when required. The State of Punjab has no objection to the prayer made by the petitioner. Although, learned Addl. P.P., U.T., Chandigarh has raised an objection but this Court cannot lose sight of the fact that the transfer of the petitioner to Chandigarh jail can yield significant savings for state funds. Judiciously managing inmate transfers proves to be a prudent financial and operational decision for state administrations. Therefore, this Court is of the considered opinion that this petition deserves to be allowed.
6. Accordingly, the present petition is allowed. The respondents are directed to transfer the petitioner from Bathinda jail to Model Jail, Chandigarh and lodge him therein, with immediate effect.

10.07.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>