

2024:PHHC:138562



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

218

CRWP-4804-2024 (O&M)
Date of decision: 22.10.2024

Naseeb Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. V. S. Mahal, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of directions to the respondents to protect the life and liberty of the son of the petitioner, namely Ravinder Singh @ Lali, and to shift him from Central Jail, Kapurthala to either of the jails situated at Ferozepur, Faridkot or Mansa.

2. As submitted in the petition, the son of the petitioner, namely Ravinder Singh @ Lali, is an accused in FIR No. 62 dated 21.06.2021, registered under Sections 302, 452, 506, 148 and 149 of IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Maur, District Bathinda. Earlier, he was lodged in Ferozepur jail and was transferred to Sangrur jail on his request as he alleged false implication in cases under Prisons Act. Since on

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19.04.2024, a quarrel had taken place between the inmates of the Sangrur jail, in which, two inmates were murdered by other inmates, an FIR was registered, in which, the son of the petitioner was also arraigned as an accused. Thereafter, he was transferred to Kapurthala jail. It is further submitted that the elder brother of aforesaid accused was murdered in the year 2012 by the members of Rammi Machana gang and some of the accused are lodged in Kapurthala jail. Therefore, he is apprehending threat to his life at the hands of those accused persons at Sangrur jail.

3. The petitioner has made prayer for shifting her son from Kapurthala jail to either of jails situated at Ferozepur, Faridkot and Mansa or some other jail in adjoining districts on the ground that he was apprehending threats to his life in Sangrur jail. In compliance with order dated 23.05.2024, he was shifted to Nabha jail, where he is presently confined. However, learned counsel for the petitioner is praying for shifting him to a jail of his choice. Since an accused individual does not have the right to choose his place of incarceration, such prayer cannot be entertained, without there being some reasonable grounds, which lead to a conclusion that shifting of the accused to a particular jail is necessary. The place of incarceration of the accused lies within the discretion of the correctional system, primarily for reasons of security, rehabilitation, and administrative efficiency. Allowing an accused to select the jail of his choice could undermine the equitable administration of justice and lead to inconsistencies in treatment among individuals facing similar charges. Thus, while an accused may have preferences, the ultimate

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determination of where he should be confined remains with the judicial and correctional authorities.

4. In view of the above position and keeping in view the fact that the son of the petitioner has already been shifted from Kapurthala jail to Nabha jail, the present petition is disposed of as no further orders are called for.

22.10.2024	(MANISHA BATRA)
<i>Waseem Ansari</i>	JUDGE
<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>