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

CRM-M-51437-2024

Date of Decision:- 19.10.2024

Chetan Kumar

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Chetan Kumar has filed petition criminal miscellaneous petition under Section 482 Cr.P.C. for quashing impugned order dated 05.07.2024 (Annexure P-4) passed by respondent No. 2, whereby prayer for shifting petitioner in Semi- Open Air Prison has been rejected in a mechanical manner without assigning any reason.

2. Learned counsel for petitioner pointed out that in impugned order dated 05.07.2024, Annexure P-4, no reason has been assigned for rejecting application of petitioner. Copy of this order was procured through RTI. Learned counsel has also referred to relevant part of Haryana Govt. Gazette (Extract) dated December 30, 2022, Chapter 43, rules regarding Open Air Prisons and Semi- Open Air Prisons (Annexure P-5), relevant rules are 947 and 948. It is pointed out that without following said rules, application was rejected, without giving any reason.

3. Notice of motion.

4. On asking of this Court, Mr. Kanwar Sanjiv Kumar, AAG, Haryana accepts notice on behalf of State and conceded that in impugned order dated 05.07.2024 (Annexure P-4), no reason has been assigned. However, application of petitioner can be reconsidered and respondent No.2 will pass Speaking Order on the same.
5. In the light of this, impugned order dated 05.07.2024 (Annexure P-4) is accordingly, set aside with direction to respondent No. 2 to dispose of earlier representation of petitioner by passing Speaking Order within a span of three weeks from today.
6. With aforesaid direction, petition is accordingly, disposed of.

(AMARJOT BHATTI)
JUDGE

19.10.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No