



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

CRWP-4266-2025

Date of decision: 06.05.2025

VARINDER SINGH ALIAS KALA

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Article 226 of Constitution of India has been made for directing respondents No.1 to 3 to protect the petitioner from illegal threatening, harassment and beatings/torturing being caused by respondent No.3, while in judicial custody and to protect the life of the petitioner. Further prayer has been made that necessary directions to transfer the petitioner back from Central Jail, Kapurthala to Central Jail, Goindwal Sahib, since his trials are pending before the Id. Sessions Court, Tarn Taran, be issued as he has been transferred in utter violation of Section 29 of Prisoners Act.

2. In compliance of the order passed by this Court on 29.04.2025, status report by way of short affidavit dated 05.05.2025 of Shyamal Jyoti, Superintendent, Central Jail, Kapurthala on behalf of respondent Nos.2 and 3-State has been filed. The same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.



3. Learned State counsel submits that the petitioner has been transferred from Central Jail, Goindwal Sahib to Central Jail, Kapurthala due to his misconduct. The petitioner has been found using the phone inside the jail, as such, Additional Director General of Police (Prisons), Punjab being the competent authority for transfer of the prisoners from one prison to another, as per the provisions of Clause 15.01 to 15.03 of Chapter 15 of Punjab Prisons Rules, 2022 has transferred the petitioner to another jail. Further, petitioner has approached learned Additional Sessions Judge, Tarn Taran with the identical prayer and detailed report was submitted before the said Court and his application was finally dismissed as withdrawn on 01.03.2025. Thereafter, he filed another application having identical prayer with the present petition, before learned Principal District and Sessions Judge, Tarn Taran on 17.03.2025 and the medical examination of the petitioner was ordered therein. Learned State counsel further submits that the second application filed by the petitioner is still pending before the learned Principal District and Sessions Judge, Tarn Taran. As such, the petitioner cannot invoke two parallel jurisdictions for the same relief and the present petition has been filed only to put pressure on the prison administration. Further, the petitioner has concealed the fact of earlier application filed before the Court of learned Additional Sessions Judge, Tarn Taran, which was withdrawn on 01.03.2025.

4. In view of the fact that the petitioner has already approached learned Principal District and Sessions Judge, Tarn Taran for redressal of the grievance raised in the present petition and the same was filed on 17.03.2025 and the present petition was filed on 22.04.2025, no further directions are required to be passed in the present petition and the same stands disposed of



accordingly. However, liberty is granted to the petitioner to pursue his application filed before the learned Principal District and Sessions Judge, Tarn Taran.

May 06, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |