IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2025:PHHC:082321

116 **CRM-M-30769-2025 (O&M)**
Date of Decision: 09.07.2025.

Sarvjeet Kaur ...Petitioner.

Versus

State of Haryana and others ...Respondents.

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CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

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Present**:** Mr. Sandeep Kumar Tada, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

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SUKHVINDER KAUR, J. (Oral)

Prayer in the instant petition filed under Section 528 of BNSS is for issuance of direction to respondents No.1 to 4 to transfer/shift the husband of petitioner Harvinder Singh from Central Jail-II, Hisar to District Jail Sirsa.

The present petition has been filed by the petitioner for transferring/ shifting her husband Harvinder Singh from Central Jail-II, Hisar to District Jail, Sirsa, as the children of the petitioner are minor, her mother-in-law is an old aged woman and is suffering from various ailments and it is difficult for the petitioner to approach the Central Jail-II, Hisar which is at the distance of more than 100 Kms from her residence.

In compliance of order dated 29.05.2025, passed by this Court, reply by way of an affidavit of Lakhbir Singh, Chief Probation Officer, O/o Director General of Prisons, Haryana, Sector 14, Panchkula, has been filed

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on behalf of respondents No.1 to 4, is taken on record.

It has been alleged in the reply that husband of the petitioner is presently undergoing life imprisonment in Central Jail-II, Hisar, in case FIR No.104 dated 24.08.2020, under Sections 376, 506, 511 IPC and Sections 6 and 18 of the POCSO Act, registered at Police Station Women Sirsa, as per order dated 07.03.2024 passed by learned trial Court.

The husband of the petitioner was also involved in case FIR No.43 dated 01.02.2020, under Section 309 of IPC, registered at Police Station Civil Lines, Sirsa, trial of which is pending before learned trial Court at Sirsa.

It has been submitted that earlier the husband of the petitioner was confined in District Jail, Sirsa. On 09.03.2025, total 1196 prisoners were confined in District Jail, Sirsa, against the authorized sanction strength of 807 prisoners. In view of the directions of the Hon'ble Supreme Court, Superintendent, District Jail, Sirsa, vide his letter No.1159 dated 09.03.2025 (Annexure R-1), sent the names of 70 convicted prisoners including the name of the husband of the petitioner to respondent No.2 and requested him to transfer them from District Jail, Sirsa to other jails due to security/ overcrowding. In view of the security and safety of the prisoners due to overcrowding and administrative reasons of District Jail Sirsa, the husband of the petitioner was transferred to Central Jail-II, Hisar, nearest jail to his home district, vide letter No.10654/60 dated 13.03.2025 (Annexure R-2).

The petitioner had submitted an application dated 29.04.2025 before respondent No.2 regarding transfer of her husband from Central Jail-II, Hisar to District Jail, Sirsa and the same was declined vide letter No.18811 dated 13.05.2025.

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In the reply, it has been further submitted that Prison Inmates Calling System (PICS) facility has been provided in all the jails of Haryana State, including Central Jail-II, Hisar, for the prison inmates to talk with their family members/ relatives/ friends/ and Advocates. Now, video calling facility has also been introduced in most of the jails including Central Jail-II, Hisar, which can be utilized by the petitioner to communicate with his relatives and friends, which is cheaper, easier and safer mean of communication. Food, clothing articles and medical facility are being provided to the convicted prisoners free of cost. Canteens have also been established in all the jails of Haryana State, to enable the prisoners to buy daily need articles on reasonable rates.

In a similar matter, CRM-M-16692-2022 titled as 'Pawan Vs. State of Haryana and another, the Co-ordinate Bench of this Court has passed order dated 15.07.2022, which reads as under:-

> "*The petitioner, who is convict and undergoing life imprisonment under Sections 302, 307 IPC and 25 of Arms Act, has come up before this Court seeking his transfer from District Jail, Yamuna Nagar to District Jail, Jhajjar, Gurugram or Rohtak.*
>
> *The reasons for the transfer are that his native place is Jhajjar, which is closure and as such, he be confined in the prisons closure to his home place.*
>
> *The aforesaid reasons do not matter as the roads are improving and it is not difficult for the family members of the convict to meet him as enough transport facilities are available. Even otherwise, it is not vested right of the convict to ask the jail authority or to direct where to keep him. The jail authorities would certainly keep so many facts in mind while confining him in the prison including to rule out mixing up with other hard core criminals.*

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Consequently, there is no merit in the present petition, the same is dismissed."

In the instant case, husband of the petitioner was transferred from District Jail, Sirsa to Central Jail-II, Hisar (nearest jail to his home district) due to security/ overcrowding, in view of the directions of Hon'ble Supreme Court of India in case ***W.P. (Civil) No.406 of 2013 titled as Inhuman Coditions in 1382 Prisons in India Vs. Union of India and others.*** Thus, in the present case, there is no violation of the Article 21 of the Constitution of India. The earlier representation dated 29.04.2025 submitted by the petitioner regarding the same request, was duly considered by respondent No.2 and was declined in view of the overcrowding in District Jail, Sirsa vide letter No.18811 dated 13.05.2025 (Annexure R-4).

The present representation dated 23.05.2025 (Annexure P1) has also been filed on the similar grounds. As no fresh ground has been brought to the notice of this Court for transferring/ shifting the husband of the petitoner from District Jail, Sirsa to Central Jail-II, Hisar (nearest jail to his home district), there is no merit in the present petition and the same is hereby dismissed.

(SUKHVINDER KAUR)
JUDGE

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

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