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

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CRM-M-29232-2024 (O&M)

Date of decision: 20.05.2026

Diksha**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sukhdev Singh Boparai, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. CRM-50086-2025

Allowed as prayed for.

Documents are taken on record.

2. CRM-M-29232-2024 (O&M)

The present petition has been filed under Section 482 Cr.P.C. seeking issuance of directions to the respondents to reconsider the claim/case of the petitioner for shifting her husband namely Sandeep Sheokand, who is presently lodged in Central Jail-1, Hisar, to Semi Open Air Prison/Open Camp Scheme and further for quashing of communication dated 22.03.2024 (Annexure P-2), whereby the claim of the petitioner's husband was rejected.

3. Learned counsel for the petitioner submits that the husband of the petitioner was convicted in FIR No.563 dated 20.07.2008 registered under Sections 302, 212, 216 and 34 IPC along with Section 25 of the Arms Act at Police Station Sadar, District Hisar and was sentenced to undergo

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imprisonment for life vide judgment and order on quantum of sentence dated 12.05.2014/17.05.2014 passed by the learned trial Court. It is further submitted that the appeal bearing CRA-D-1023-DB of 2014 preferred by the convict was dismissed by this Court on 14.01.2020 and thereafter SLP (Criminal) No.6805 of 2020 was also dismissed by the Hon'ble Supreme Court on 15.03.2021.

4. Learned counsel for the petitioner has further argued that the petitioner's husband has undergone about 13 years and 5 months of sentence including remission and his conduct during incarceration has remained satisfactory. It is submitted that whenever he was released on parole/furlough, he surrendered before the jail authorities within time and no untoward incident was ever reported against him. Learned counsel has further argued that the petitioner had moved an application before the jail authorities for considering the case of her husband for shifting to Semi Open Air Prison/Open Camp Scheme, however, the same was rejected vide communication dated 22.03.2024 in a cryptic and mechanical manner by merely referring to Para 947 of the Haryana Prison Rules, 2022 (*for short 'the Rules, 2022'*) without assigning any reasons.

5. It is further argued that the impugned communication does not disclose as to under which specific disqualification contained in Para 947 of the Rules, 2022, the husband of the petitioner has been held ineligible. It is further argued that the petitioner's husband has already undergone more than 08 years of actual sentence and thus his case is also required to be considered in terms of Para 948 of the Rules, 2022. He is not a habitual offender and his conduct during parole and furlough has remained peaceful.

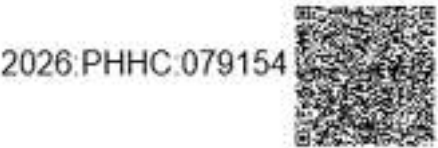
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6. *Per contra*, learned State counsel submits that the competent authority had considered the case of the petitioner and thereafter the impugned communication was issued. However, she fairly concedes that the impugned order does not assign detailed reasons while declining the request of the petitioner.

7. This Court has heard the rival submissions.

8. A perusal of the impugned communication dated 22.03.2024 (Annexure P-2) reveals that the claim of the petitioner has been declined merely by observing that the husband of the petitioner is not eligible for Semi Open Air Prison/Open Camp Scheme as per Para 947 of the Rules, 2022. The communication neither specifies the exact clause under which the petitioner's husband has been declared ineligible nor records any reasons which led the competent authority to arrive at such conclusion. It is well settled that an administrative or quasi-judicial order affecting valuable rights of a person must contain reasons. Recording of reasons is an essential facet of fairness and transparency in decision making. A non-speaking order deprives the affected person of an opportunity to understand the basis of rejection and also renders judicial review difficult. In the present case also, the impugned communication suffers from the same infirmity. The competent authority was expected to objectively consider the eligibility of the convict in the light of the Rules, 2022 and pass a reasoned order dealing with the relevant factors including the period undergone, jail conduct, parole/furlough conduct and applicability of Paras 947 and 948 of the Rules, 2022. However, the impugned communication is completely silent on these aspects.



9. In view of the above, without expressing any opinion on the merits of the claim of the petitioner, the impugned communication dated 22.03.2024 (Annexure P-2) is set aside. Respondent No.2/competent authority is directed to reconsider the case of the husband of the petitioner for shifting to Semi Open Air Prison/Open Camp Scheme strictly in accordance with law and the applicable rules and pass a fresh speaking order within a period of six weeks from the date of receipt of certified copy of this order.
10. Disposed of in the aforesaid terms.

20.05.2026

Waseem R. Ansari

(MANISHA BATRA)

JUDGE

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