

CNR no. DLNT01-006875-2021

Session Case no. 436/2021

IA/2/22 (application seeking transfer from Central Jail no. 08/9, Tihar Jail, Delhi to Dulina Jail, Jhajjar Haryana moved on behalf of accused Mohit @ Bholi

FIR no.218/2021

PS-Model Town (Crime Branch)

State Vs-Sushil Kumar & Ors.

U/s-

302/307/308/364/365/452/323/342/188/269/147/148/149/506(II)/392/394/397/411/201/109/

120B/34 IPC

& u/s-25(1) (B) & u/s 27(1) Ams Act

31/01/2022

As per direction of Hon'ble High Court vide order no. 1/RG/DHC/2022 dated 12/01/2022 and subsequent order of Id. Principal District & Sessions Judge, North District, Rohini Courts, Delhi bearing no.1571-1626/Judl./North/Covid/2022 dated 13/01/2022, all the Judicial Officers shall hold their courts through virtual mode till 11/02/2022 only.

File taken-up today as an application seeking transfer from Central jail no. 08/09, Tihar Jai, Delhi, to Dulina Jail, Jhajjar, Haryana, purely on humanitarian ground moved on behalf of applicant/accused Mohit @ Bholi is placed before me. The same are taken-up through videoconferencing via CISCO Webex App, having meeting ID 176-157-5605. The official email ID of this Court is reader.asj04north@gmail.com.

Present in the Court :None for the parties.

Present through Webex :Sh. Sanjay Jindal, Id. Addl. PP for the State.
:Sh. Sumeet Shokeen, Id. Counsel for the
:applicants/accused.

Pursuant to previous order, reply under the signature of Dy. Superintendent, Central Jail No. 8/9, Tihar, New Delhi, has been received, as per which, accused Mohit @ Bholi is lodged in the said jail in case FIR no. 218/2021, u/s 302/307/308/364/452/323/342/188/269/147/148/149/506 & in another case of PS Model Town (Crime Branch), u/s392/394/397/411/120/109/34 IPC & u/s 25/27 Arms Act since 07/06/2021 and as per jail record, he is also facing trial in below mentioned cases:-

- i) FIR no. 212/2019, u/s 302/201/120B/34 IPC, PS Asauda, Jhajjar, HR.
- ii) FIR no. 223/2019, u/s 302/201/120B/34 IPC, PS Asauda, Jhajjar, HR, which is fixed for 23/02/2022 in the Court of Ms. Jyoti Lamba, Id. ASJ, Jhajjar.
- iii) FIR no. 279/2019, u/s 302/412/120B/34 IPC, PS Asauda, Jhajjar, HR, which is fixed for 09/03/2022 in the Court of Ms. Jyoti Lamba, Id. ASJ, Jhajjar.

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It is further mentioned in the aforesaid reply that the said accused is an undertrial prisoner and they are transferred to other jail subject to the Court order.

No reply has so far been received from Jail Superintendent, Jhajjar, Haryana.

The present application has been moved on behalf of the applicant/accused on the ground that he had lost both his parents and is an orphan, the only surviving blood relative is his brother namely Rohit @ Resco, who is presently lodged in Dulina District Jail, Jhajjar, Haryana in a case arising out of FIR no. 426/2015, PS Sadar, Bahadurgarh, he is suffering from depression and has lost 13-15 kgs of body weight since his incarceration in Tihar Jail, Delhi, there is nobody in the immediate family, who can manage and take care of the basic needs of the applicant/accused. It is further mentioned in the application that no prejudice would be caused to the trial of the present case in case the present application is allowed since the applicant/accused is being produced before the Court through videoconferencing and he is regularly being produced physically before the Jhajjar District Court, Jhajjar Haryana as five cases are already pending against him in the said Jhajjar District Court, Haryana. It is further mentioned that the applicant/accused is being produced before this Court through video conferencing on every date of hearing and the Dulina District Jail, Jhajjar, Haryana is also having all the resource to produce the inmates through videoconferencing before this Court. It is further mentioned that no prejudice would be caused to the trial of the present case and the same would also save some cost of the exchequer as well, since the applicant is being produced physically in Jhajjar District Court, Haryana, almost twice every month from Tihar Jail, which is 50 km away one side. It is further mentioned that the mental and health condition of the applicant

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would also improve in case he is transferred from Tihar Jail, Delhi to Dulina jail, Haryana as he would be in the company and supervision of his elder brother & it will save time and resources of the State. It is further mentioned that the applicant/accused also made a request to jail officials for transfer to Dulina jail, Jhajjar in the month of November 2021 but it was informed to him that no such letter can be accepted and appropriate Court orders are required for jail transfer. In support of aforesaid submissions, Id. Counsel has relied upon the judgment of Hon'ble Supreme Court in the case of State of Maharashtra Vs Saeed Sohail Sheikh & Ors., reported in (2012) 13 SCC 192.

Heard. **The concerned Jail Superintendent Central Jail No. 8/9, Tihar, Delhi, vide its reply, has not stated that the said jail authority has any objection qua transferring the applicant/accused to Dulia Jail, Jhajjar Haryana. Admittedly, the applicant/accused is facing trial in cases pertaining to District Jhajjar, Haryana. Keeping in view these facts and circumstances, this Court has also no objection, if the applicant/accused is transferred to Dulina Jail, Jhajjar, Haryana. The applicant/accused is at liberty to move appropriate application before the District Court, Jhajjar, Haryana, where he is facing trial in most of the cases seeking his transfer from Central Jail No. 8/9, Tihar, Delhi, to Dulina District Jail, Jhajjar Haryana. The application is disposed of accordingly with the said observation. It be tagged with the main case file.**

Put up on date fixed i.e. 08/02/2022 for purpose fixed.

Let copy of this order be sent on the email/whatsapp of Id. Counsel for the applicant/accused.

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)

Rohini Courts: Delhi:31/01/2022(A)