

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Writ Petition No. 443/2026

Arvind Alias Anil S/o Shri Rama Ji, Aged About 25 Years, R/o-Sunderpur Police Station Doongarpur. At Present In Central Jail, Bikaner. Through His Mother Smt. Shanta Devidamor W/o Shri Rama Ji, Aged 48 Years, R/o-Sunderpur Police Station Doongarpur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. The Director General Jail, Jaipur
3. The Superintendent Central Jail, Bikaner.
4. The Superintendent Central Jail, Udaipur.

-----Respondents

For Petitioner(s) : Ms. Ranjana Singh

For Respondent(s) : Mr. Surendra Bishnoi, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

23/02/2026

1. By way of the present Criminal Writ Petition filed under Article 226 of the Constitution of India, the petitioner, acting through his mother, has invoked the extraordinary jurisdiction of this Court seeking a direction to the State authorities for his transfer from Central Jail, Bikaner to Central Jail, Udaipur.

2. The factual matrix giving rise to the instant writ petition reveals that the petitioner has been in judicial custody for approximately six years in connection with offences registered under Sections 366, 342, 392, 376(2) and 376(d) of the Indian Penal Code, along with Section 5(1)(J)/6 of the Protection of

Children from Sexual Offences Act, 2012, and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. At present, the petitioner is incarcerated in Central Jail, Bikaner, which is situated at a considerable geographical distance from his native place and the residence of his family members.

3. I have heard learned counsel appearing for the petitioner as well as the learned Additional Government Advocate representing the State, and have carefully perused the material available on record.

4. It has been urged before this Court that the prisoner's parents are advanced in age and afflicted with multiple health ailments, rendering them physically incapable of undertaking long and strenuous travel. Owing to the substantial distance between their place of residence and the Central Jail at Bikaner, they find it exceedingly difficult, if not practically impossible, to visit the prisoner. Their advanced age, coupled with their deteriorating health condition, significantly restricts their mobility and ability to travel.

4.1. It has further been submitted that the prisoner's family belongs to a financially modest background, and is therefore unable to bear the recurring expenses associated with long-distance travel. As a consequence, the petitioner has been deprived of meaningful interaction with his family members and has been unable to receive emotional and moral support from them during his prolonged incarceration. Considering the fragile

health condition of the petitioner's parents and their inability to travel long distances due to age and illness, it has been prayed that the petitioner may be transferred to a jail situated closer to his place of residence, which would enable his parents to visit him without undue hardship and thereby maintain familial contact.

5. The relief sought in the present petition is thus essentially humanitarian in nature, founded upon the genuine hardship faced by the petitioner's aged and ailing parents who are unable to travel such a long distance to meet their son. The petitioner seeks transfer solely to alleviate this hardship and to facilitate the possibility of regular family interaction during the period of his incarceration.

6. The controversy raised in the present matter is squarely covered by the order passed by this Court in SB Criminal Writ Petition No. 3288/2025, *Sunil @ Jenter vs. State of Rajasthan*, decided on 05.02.2026, wherein this Court had occasion to consider an analogous issue relating to the transfer of a prisoner on humanitarian grounds. The relevant observations made therein are reproduced as under:

3. Upon an objective consideration of the facts, this Court notes that the petitioner's family members reside within the same city and belong to a modest socio-economic background. In such circumstances, expecting them to undertake long and arduous journeys merely to meet the petitioner would impose an unreasonable and disproportionate hardship. Requiring travel from Sri Ganganagar, situated at the western

extremity of the State of Rajasthan, to Dungarpur in the southernmost region, is not only impractical but also unduly onerous.

4. It is not in dispute that the petitioner is presently incarcerated and that his family members have been regularly visiting him. However, his transfer from Sri Ganganagar Jail to Dungarpur has been effected without assigning any reasons whatsoever, much less on grounds of security or administrative exigency. Notably, Central Jails at Bikaner and Udaipur are geographically proximate and far more accessible, yet the authorities have chosen to disregard these viable alternatives.

5. The impugned transfer order, therefore, suffers from the vice of arbitrariness and lacks both justification and proportionality. By compelling the petitioner's family to traverse a distance of approximately 800 to 1000 kilometers for the sole purpose of meeting him, the order imposes an excessive and unjust burden, rendering it unsustainable in the eyes of law. Consequently, the transfer order is liable to be quashed.

6. The prisoner is presently lodged in jail, and his family members regularly visit him for the purpose of meeting. However, he has been transferred from Sriganganagar to Dungarpur without assigning any reason whatsoever, much less any specific or security-related justification. It is significant to note that Central Jails at Bikaner and Udaipur are geographically much closer and conveniently accessible; nevertheless, the authorities have chosen not to transfer him to either of these nearby prisons. The impugned

transfer order is manifestly arbitrary in nature, as it imposes an unreasonable and onerous burden upon the family members of the prisoner, who are compelled to travel a distance of approximately 800 to 1000 kilometers merely to meet him, which is wholly impracticable and unjust. Such an order, being devoid of reasons and proportionality, cannot be sustained in the eyes of law and therefore deserves to be set aside.

7. In view of the above observations, the present criminal misc. petition is allowed. The impugned order dated 03.09.2025 (Annex.3) is hereby quashed and set aside.

8. The jail administration is directed to ensure that the petitioner may not be able to threaten any person from the jail premise through a phone. It is also made clear that all the necessary arrangements in this regard shall be done.

9. Pending applications, if any, also stand disposed of.

Having regard to the aforesaid precedent and considering the material placed on record, this Court finds that the State authorities have failed to place before this Court any cogent, convincing, or reasonable justification necessitating the petitioner's continued detention in Central Jail, Bikaner, particularly when the hardship faced by his aged and ailing parents has been specifically brought to the notice of the Court.

6. In view of the foregoing discussion and the principles enunciated in the aforesaid decision, this Court is satisfied that the present case warrants similar relief.

7. Accordingly, the present Criminal Writ Petition stands allowed. The competent jail authorities are directed to transfer the petitioner from Central Jail, Bikaner to Central Jail, Udaipur, in accordance with law and subject to usual administrative formalities.

(FARJAND ALI),J

45-Mamta/-