

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

S.B. Criminal Writ Petition No. 442/2026

Pawan S/o Shri Sukh Lal, Aged About 25 Years, R/o-Herata Phala Mali, P.s. Vardha, Distt.doongarpur. At Present In Central Jail, Bikaner. Through His Mother Smt. Champa Devi Roat W/o Shri Sukh Lal, Aged 62 Years, R/0-Dharti Mata, Post-Herata, Distt.doongarpur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. The Director General Jail, Jaipur.
3. The Superintendent Central Jail, Bikaner.
4. The Superintendent Of 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 backdrop culminating in the present writ petition discloses that the petitioner has remained in judicial custody for a period more than five years in connection with offences registered under Sections 366, 376(3) IPC & Section 5(I)/6 of the POCSO Act. At present, he is lodged in Central Jail, Bikaner, which lies at a

considerable distance from his native place as well as from the residence of his family members.

3. This Court has heard the learned counsel for the petitioner and the learned Additional Government Advocate appearing on behalf of the State, and has perused the material available on record with due circumspection.

3.1. It has been strenuously contended on behalf of the petitioner that his parents are of advanced age and are beset with multiple medical ailments, rendering them physically enfeebled and incapable of undertaking arduous travel. The substantial geographical distance separating their place of residence from Central Jail, Bikaner, poses an insurmountable impediment, effectively depriving them of the opportunity to visit the petitioner. Their frail health and limited mobility further exacerbate their inability to maintain regular contact.

3.2. It has additionally been urged that the petitioner's family is constrained by limited financial means and is thus unable to sustain the recurring expenditure necessitated by long-distance travel. Consequently, the petitioner has been largely bereft of familial interaction and the attendant emotional sustenance during the course of his prolonged incarceration. Emphasis has also been laid on the precarious health condition of the petitioner's mother, who is similarly incapacitated from travelling such distances. In these circumstances, a prayer has been advanced seeking transfer of the petitioner to a correctional facility situated in closer proximity to his native place, so as to enable his family members

to visit him without undue hardship and to preserve essential familial bonds.

3.3. The relief sought in the present petition is thus predominantly humanitarian in character, premised upon the genuine hardship faced by the petitioner's ailing and aged mother, who is unable to undertake long and strenuous journeys. The transfer is sought not as a matter of convenience, but to ameliorate such hardship and to facilitate continued familial association during the petitioner's incarceration.

4. 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

44-Mamta/-