

**232 CRMW-189-2015 in
CRWP-595-2015**

**Chand Singh
vs.
State of Punjab & Ors.**

Present: Mr. H.P.S. Ishar, Advocate
for the applicant-petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

The present application under Section 482 Cr.P.C. has been filed seeking direction to the District Magistrate, Sangrur to accept surety bonds in terms of order dated 8.7.2015 passed by this Court.

Learned counsel for the applicant submits that the family members of the petitioner went to D.C. Office, Sangrur, for furnishing surety bonds in terms of order dated 8.7.2015 but an objection was raised that there is no mention in the order whether the surety bonds are to be accepted by the District Magistrate or not. Learned counsel for the applicant also submits that with regard to parole matters only the District Magistrate is competent to accept the surety bonds.

Learned counsel for the State submits that as there was no mention in the order with regard to acceptance of bonds by the District Magistrate, therefore, the surety bonds could not be accepted.

Admittedly, the case was fixed for hearing before this Court on 8.7.2015 and the following order was passed :-

“Heard.

Learned counsel for the petitioner submits that

the petitioner is more than 90 years of age and has already undergone about 19 years of imprisonment. As per the Government policy of 1991 he is entitled for premature release. The co-convicts of the petitioner have already been given the benefit of premature release in this case.

*The learned State counsel submits that as per the policy of 1991 the petitioner is entitled for premature release but in view of the order passed by the Hon'ble Apex Court in case bearing **Writ Petition No.48 of 2014** titled as **Union of India Vs. V. Sriharan @ Murugan @ Others**. (Annexure P-7) the order for his premature release is not to be passed till disposal of that writ petition.*

*Keeping in view the age of the petitioner and the period of sentence already undergone by the petitioner he is ordered to be released on temporary parole till the decision of **Writ Petition No.48 of 2014** on completing necessary formalities and furnishing required bond.*

This petition is adjourned sine die. To be revived after the decision of the aforesaid writ petition."

As per the direction issued by this Court on 8.7.2015, the petitioner was ordered to be released on parole till the decision of Criminal Writ Petition No. 48 of 2014 on completion of necessary formalities with regard to furnishing of bonds. The petitioner is stated to be on parole which is going to expire on 2.9.2015. However, respondent No.1 i.e. Principal Secretary, Government of Punjab, Department of Home Affairs and Justice, is directed to consider the case of the petitioner for premature

release. It is directed that the petitioner shall remain on parole subject to his furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sangrur till premature release case is decided.

Criminal Miscellaneous application stands disposed of.

(DAYA CHAUDHARY)
JUDGE

01.09.2015
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