

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

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**Criminal Writ Petition No.1383 of 2014
Date of decision: September 18, 2015**

Amarjit Singh

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Jasdeep Singh Gill, Advocate for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Article 226 of the Constitution of India for issuance of a direction to respondents No.1 and 2 to consider the case of the petitioner for premature release afresh in view of Government Instructions dated 08.07.1991(Annexure P-2) as he has undergone more than the requisite sentence and his case was earlier recommended for premature release.

Learned counsel for the petitioner submits that the petitioner has undergone more than twelve years of actual sentence whereas as per Government instructions dated 08.07.1991(Annexure P-2), the life convicts are required to undergo ten years of actual sentence and fourteen years

including remissions. Learned counsel has also brought to the notice of this Court the decision in **Writ Petition (Criminal) No.48 of 2014** titled as **Union of India vs. V. Sriharan @ Murugan and others**, on 23.07.2015 whereby the President of India in exercise of his powers under Article 72 of the Constitution of India and the Governors of the States in exercise of their powers under Article 161 of the Constitution of India are not prevented from exercising their power. Learned counsel further submits that now as per decision in the aforesaid CrI. Writ Petition by Hon'ble the Apex Court, the case of the petitioner is to be reconsidered in view of the clarification/modification of earlier interim order.

Learned counsel for the respondent-State submits that in compliance of order dated 23.07.2015 passed by Hon'ble the Apex Court, the premature release case of the petitioner is likely to be decided one month.

Heard arguments advanced by learned counsel for the parties and have also perused the documents available on record.

Admittedly, the case of the petitioner was earlier recommended but the same has not been decided because of order dated 09.07.2014 passed by Hon'ble the Apex Court in **Sriharan @ Murugan's case(supra)**, whereby the premature release cases of those convicts who have completed the parameters of the premature release policies applicable in their cases, were held up but now, on 23.07.2015, Hon'ble the Apex Court has vacated the stay order dated 09.07.2014. Learned State counsel has also given an undertaking to consider/decide the case of the petitioner for premature release within a period of one month.

Accordingly, the present petition is disposed of with a direction to respondents No.1 and 2 to decide the case of the petitioner within a period of two weeks from the date of receipt of copy of this order.

However, in case, any delay is there in consideration for whatsoever reasons, the petitioner shall be entitled for interim bail subject to furnishing bail/surety bonds to the satisfaction of CJM/Duty Magistrate concerned after expiry of said period and he shall undertake to surrender, in case, his case for premature release is not approved by the State Government.

Disposed of accordingly.

A copy of this order be given to learned counsel for the petitioner under signatures of Special Secretary of this Court.

September 18, 2015
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(DAYA CHAUDHARY)
JUDGE