

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

CRWP No.1519 of 2014
Date of decision : 15.09.2015

Jarnail Singh and anr.

...Petitioners

Versus

State of Punjab and Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sarvesh Gupta, Advocate for the petitioners

Mr. Luvinder Sofat, AAG, Punjab
assisted by HC Baljinder Singh

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of directions to the respondents to grant the benefit of pre-mature release to the petitioners as per Government Instructions/Policy dated 08.07.1991 (Annexure P-1).

It is contended that the cases of the petitioners are covered by the policy dated 08.07.1991 (Annexure P-1) issued by the Government of Punjab, Department of Home Affairs and Justice (Home VII Branch). Para 1.1 of the said policy reads as under:-

“1.1 Minimum periods of imprisonment to be undergone for the convict before consideration of application for exercise of powers of the Government under Article 161 of the Constitution. Cases will be considered by the Government for grant of remission after the following periods of imprisonment are undergone by the convicts:-

A		B		C		D		E	
For convicts whose death sentence has been committed to life imprisonment .		Convicts who have been imprisoned for life for offences for which death is a punishment and have committed heinous crime.		Convicts who have been imprisoned for life for offences for death is a penalty but crimes are not considered heinous.		Other life convicts imprisoned for life for offences for which the death penalty is not a punishment and have committed heinous crimes		Other life convicts.	
Actual imprisonment	Imprisonment with remission	Actual imprisonment	Imprisonment with remission	Actual imprisonment	Imprisonment with remission	Actual imprisonment	Imprisonment with remission	Actual imprisonment	Imprisonment with remission
Adults -14	20	12	18	10	14	10	14	8	14
Females									
Min-Ors.-10	14	8	12	8	12	8	12	6	18

The learned counsel for the petitioners further submits that the petitioners in fact have already undergone more than 10 years of actual sentence of imprisonment and more than 18 years with remissions against the prescribed sentence of 10 years and 14 years with remissions as mentioned in Column 'C' of the Policy (Annexure P-1).

The learned State counsel also admits the factum that the petitioner is entitled for the benefit of premature release.

Heard.

In **Harjit Singh @ Hare Ram VS State of Punjab and ors.**, 2015 (1) RCR (Criminal) 370, it has been held that if the case of the convict is squarely covered under the instruction issued by the Governor of Punjab for premature release, the Government has to consider the case of the convict despite the pendency of the appeal before the Court as to whether he is entitled to be prematurely released. Mere pendency of appeal filed by a convict is no ground to reject the application for premature release.

Keeping in view the admitted position that the cases of the petitioners for premature release are covered by the Column 'C' of Para 1.1 of instructions dated 08.07.1991, this court feels that the petitioners are eligible for the benefit of premature release.

Accordingly, the present petition is allowed. The competent authority is directed to consider the cases of the petitioners afresh for premature release as per Government Instructions/Policy dated 08.07.1991, within three months from the receipt of certified copy of this order.

Copy of this judgment be sent through FAX to the District Magistrate concerned.

15.09.2015

ashok

(JITENDRA CHAUHAN)
JUDGE