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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-1710-2014
Date of Decision : Sept. 23rd, 2015

Satnam Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

1. Whether Reporters of local papers may be allowed to see the judgment? Y
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? **Y**

Present Mr. S.S.Rana, Advocate,
for the petitioner.

Mr. Navdeep Singh, AAG, Punjab,
for the respondent-State.

SHEKHER DHAWAN, J.

Present petition under Article 226 of the Constitution of India is for issuance of directions to the respondents to release the petitioner prematurely on usual terms and conditions as per Government policy dated 8.7.1991 [Annexure P/1].

2. Petitioner, in this case, was arrested on the basis of FIR No 238 dated 30.12.1996 under Sections 302, 148 read with Section 149 IPC registered at Police Station Lopoke, District Amritsar. He was tried for the said offences and convicted and sentenced to undergo Life Imprisonment vide judgment dated 12.07.1999. Criminal Appeal No.396-DB-1999 filed by him was dismissed by this Court on 7.1.2008.

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3. Learned counsel for the petitioner submitted that the petitioner has already undergone more than 10 years and 5 months of actual sentence and more than 18 years with remissions as is clear from the following table, reproduced by the petitioner in Para No. 3 of his writ petition:-

	Year	Months	Days
Custody as under trial	2	5	20
Custody after conviction	8	1	10
Total	10	6	0
(+) Remissions	8	0	0
Total	18	6	0
(-) Less Parole period	2	0	18
Total Sentence undergone	16	5	12

As per policy of the Punjab Government dated 8.7.1991 [Annexure P/1] regarding pre-mature release of life convicts while exercising powers conferred under Sections 432, 433 and 433[A] of Code of Criminal Procedure and Article 161 of the Constitution of India, the case of the petitioner is covered for pre-mature release as he has already undergone actual sentence of more than 10 years and more than 14 years with remissions. The case of the petitioner has not been considered by the Government as per policy dated 8.7.1991 [Annexure P/1]. The petitioner is fulfilling all the conditions for grant of pre-mature release as per instructions dated 8.7.1991, Annexure P/1. The petitioner made a request for initiation of his case for pre-mature release and also served a legal notice dated 14.10.2014 [Annexure P/2], but the respondents have not considered his case and as such, the present petition before this Court.

4. As per reply filed by the respondent – State of Punjab, the petitioner was convicted for murder of a Sarpanch and as per para 5[1] of

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policy dated 4.4.2013 [Annexure R-1/T], the petitioner is required to undergo 18 years of actual sentence and 20 years with remissions. As per the said policy, Annexure R-1/T, all the existing pre-mature release policies have been superseded. The petitioner is not entitled to be released till he fulfills the conditions as laid down as per policy dated 4.4.2013.

5. However, as per custody certificate in respect of the petitioner – Satnam Singh, the petitioner has already undergone more than 10 years actual sentence and more than 14 years with remissions.

6. Having considered the submissions made by learned counsel for the parties, facts are not disputed that the petitioner was convicted and sentenced to undergo Life Imprisonment by learned Sessions Judge, Amritsar vide judgment dated 12.7.1999 and the offence relates to the year 1996. Similar matter was before Hon`ble Supreme Court of India in **State of Haryana and Ors. Vs. Jagdish**, 2010 [3] J.T. 341 and the Apex Court observed that the policy that was existing on the date of conviction is to be taken into consideration while deciding the case of a convict. The State has to exercise its power of remission also keeping in view any such benefit to be construed liberally in favour of a convict which may depend upon case to case and for that purpose, it should relate to the policy, which is favourable to the convict while deciding the case of a 'lifer' for pre-mature release and he should be given benefit thereof. Case of the present petitioner is squarely covered as per law laid down in **Jagdish's case [supra]**.

7. Resultantly, the present petition is accepted and direction is issued to the respondent State to consider the case of the petitioner in the light of observations made above, within a period of two months from

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receipt of copy of this order, failing which the petitioner will be released to the satisfaction of District Magistrate, Amritsar on usual terms and conditions.

8. The writ petition is allowed in the above terms.

(SHEKHER DHAWAN)
JUDGE

Sept. 23rd, 2015
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