

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

244

**Criminal Writ Petition No.1911 of 2014
Date of Decision: 20th August, 2015**

Jit Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present: Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Articles 226/227 of the Constitution of India for quashing of the impugned order dated 06.08.2013 (Annexure P-3) passed by Superintendent, General Branch o/o Additional Director General of Police(Prisons), Punjab whereby the case of the petitioner for premature release has been rejected and further to consider the case of the petitioner in view of directions issued by Hon'ble the Apex Court in **State of Haryana and others vs. Jagdish, 2010(2) RCR(Criminal) 464.**

Learned counsel for the petitioner contends that the impugned order dated 06.08.2013(Annexure P-3) has been passed by relying upon the policy

dated 04.04.2013(Annexure P-2) whereas the case of the petitioner is squarely covered by the instructions dated 08.07.1991(Annexure P-1) as he was sentenced to undergo life imprisonment vide judgement dated 24.01.2000 by the trial Court. In support of his contention, learned counsel has also relied upon the judgment of Hon'ble the Apex Court in case titled as **State of Haryana and others vs. Jagdish, 2010(2) RCR(Criminal)464** wherein it has been held that the policy prevailing at the date of conviction is to be applied and not the policy at the time of consideration for premature release.

Learned State counsel has not disputed the ratio of aforesaid judgement.

Heard learned counsel for the parties and have also gone through the documents available on the record.

It is apparent that the impugned order of rejection dated 06.08.2013(Annexure P-3) has been passed by considering the policy dated 04.04.2013 whereas it was to be considered in view of policy prevailing at the date of conviction i.e. 24.01.2000 and therefore, the instructions/policy dated 08.07.1991 is applicable.

Accordingly, the impugned order dated 06.08.2013 (Annexure P-3) is set aside and the present petition is disposed of with a direction to the respondent-State to consider the case of the petitioner in view of instructions/policy dated 08.07.1991(Annexure P-1) as well as ratio of judgement of Hon'ble the Apex Court in **Jagdish's case(supra)**, within a period of three months from the date of receipt of copy of this order.

However, in case, the petitioner is found entitled for premature release as per instructions/policy dated 08.07.1991 and in case, the necessary decision is not taken within the stipulated period, the petitioner shall be entitled for interim bail subject to furnishing bail/surety bonds to the satisfaction of CJM, Sangrur till the decision is taken.

Disposed of accordingly.

August 20, 2015
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(DAYA CHAUDHARY)
JUDGE