

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

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**Criminal Writ Petition No.1912 of 2014
Date of Decision: 21st August, 2015**

Lakhwinder Singh

....Petitioner

Versus

State of Haryana and another

....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. Hemender Goswami, Advocate for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Article 226 of the Constitution of India for issuance of directions to the respondents to consider the case of the petitioner for grant of ordinary remissions, which is an incentive to the prisoners for their good conduct and the work done by them while remaining in the jail.

Learned counsel for the petitioner submits that the petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of ten years with fine of Rs.1,00,000/- for the offence punishable under Section 15 of NDPS Act by the trial Court. Appeal filed before this court was also dismissed. The petitioner has undergone actual sentence of eight years. He also availed paroles which were never misused and there is no other case against him.

Learned counsel also submits that the petitioner is not entitled for special remission and State Government remission, being convict under the NDPS Act but there is no rule or policy which disentitle the petitioner to avail the benefit of ordinary remission, allowed for two days per month for good conduct and another two days per month for industry and due performance of the daily task assigned by the jail authorities. In support of his contentions, learned counsel has relied upon the Division Bench judgement of this Court in **Crl. Writ Petition No.1923 of 2010** titled as **Mann Singh vs. State of Haryana and others**, decided on 20.12.2010. He also submits that the case of the petitioner is at par with accused who filed **Crl. Misc. No.M-30563 of 2012** titled as **Avtar Singh @ Jaggi vs. State of Haryana and others** and the said petition was disposed of with the following directions:

“In view of what has been discussed hereinabove, the petitions are disposed of with a direction to the respondents to consider the case of the petitioners for grant of ordinary remission in accordance with law, and dispose of the matter by passing a speaking order, within a period of two months.

Disposed of accordingly.”

Learned State counsel submits that the Division Bench judgement relates to grant of parole whereas the Coordinate Bench judgement is with regard to grant of ordinary remissions. He also submits that **Crl. Misc. No.M-30563 of 2012** was disposed of with a direction to the respondents to consider the case of the petitioners for grant of ordinary remissions in accordance with law by passing a speaking order but it does not reveal as to whether the case of

the petitioners was accepted or not.

Learned counsel for the petitioner further contends that he would be satisfied in case the directions are issued to the respondents to consider his case in view of order passed in **Avtar Singh @ Jaggi's case(supra)**.

Keeping in view the submissions made by learned counsel for the parties and after going through the documents available on record, the present petition is disposed of with a direction to the respondent-State to consider the case of the petitioner for grant of ordinary remission in view of observations made in **Avtar Singh @ Jaggi's case(supra)** and in case, any relief has been granted to them, the same be granted to the present petitioner as well. The necessary exercise be done within a period of two months from the date of receipt of copy of this order.

Disposed of accordingly.

August 21, 2015
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(DAYA CHAUDHARY)
JUDGE