

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

CRWP No. 250 of 2014 (O&M)

Date of decision: 01.09.2015

Gurbax Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.S. Rana, Advocate with
Mr. S.K. Gupta, Advocate
for the petitioner.

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

Jitendra Chauhan, J. (Oral)

The present petition has been filed for quashing of the impugned order dated 08.09.2013 (Annexure P-2), whereby the premature release case of the petitioner was declined.

Custody certificate filed in the Court is taken on record.

The learned counsel for the petitioner contends that the case of the petitioner is squarely covered by the Punjab Govt., Policy (Annexure P-1). The petitioner has undergone 11 years and 15 days of actual sentence and 19 years and 15 days with remission.

The learned State counsel does not dispute the assertion raised by learned counsel for the petitioner.

Heard.

The petitioner was convicted in FIR No. 51 dated 24.10.1995, under Section 302 IPC and sentenced to rigorous imprisonment for life. As per the custody certificate, the petitioner has already undergone 11 years and 15 days of actual sentence and 19 years and 15 days with remission. As per column B of the policy, the minimum period of actual imprisonment to be undergone before a case of premature release is considered is minimum 18 years including remission. The petitioner has fulfilled the parameters as laid down in the above said policy of Punjab Govt.

In view of above, the present petition is allowed. The order dated 08.09.2013 (Annexure P-4) is set aside. The petitioner be set at liberty forthwith on usual terms and conditions as per Govt., instructions dated 08.07.1991.

01.09.2015

sumit.k

(JITENDRA CHAUHAN)
JUDGE