

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

CRWP-462 of 2014 (O&M)

Date of decision : 02.11.2015

LEELU ALIAS GURMUKH SINGH

...Petitioners

V/S

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parveen Sharma, Advocate
for Mr. V. K. Jindal, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana

JITENDRA CHAUHAN, J. (Oral)

This Criminal Writ Petition has been filed under Article 226/227 of the Constitution of India for quashing of the impugned order dated 05.03.2014 (Annexure P-6).

2. The learned counsel for the petitioner contends that the case of the petitioner for premature release is covered by Clause 2(b) of the Policy (Annexure P-5) as the offences mentioned in Clause 2(a) of the Policy is not applicable to the petitioner. The case of the petitioner was wrongly considered by the competent authorities under Clause 2(a) of the policy instead of Clause 2(b) of the Policy (Annexure P-5)

3. A perusal of the Annexure P-5 reveals that there is no reference with regard to precise role of the petitioner. The competent authority has

considered and rejected the case of the petitioner on wrong assumptions that the same falls under Clause 2(a) of the policy, whereas it is asserted that the case of the petitioner falls under Clause 2(b) of the policy (Annexure P-5).

4. Keeping in view the prayer made in the petition, without advertng to the merits of the case, at this stage, the present petition is disposed of with a direction to the competent authority, to re-examine the case of the petitioner in the light of Clause 2(b) of the policy (Annexure P-5) and upon re-consideration if the competent authority reaches to the conclusion that case of the petitioner is covered by the Clause 2(b) of the Policy Annexure P-5, the consequential order be passed within 8 weeks from the date of receipt of the certified copy of this order.

5. Disposed of.

02.11.2015

ashok

(JITENDRA CHAUHAN)

JUDGE