

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

Crl. Writ Petition No.1459 of 2015
Date of Decision: 18.11.2015

Dhanna Singh and othersPetitioners

Versus

State of Punjab and othersRespondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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, D.A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing impugned order dated 04.03.2014 (Annexure P-2), whereby, the claim of the petitioner has been rejected.

Learned counsel for the petitioners submits that the petitioners are in custody since 11.02.1991 and have undergone sentence of more than 12 years and including remission, it comes to more than 18 years.

The case of the petitioners could not be considered because of pendency

of the case before Hon'ble the Apex Court, whereby, the State Government was restrained to consider pre-mature release case, which later on was decided and now the interim order has been vacated.

Learned counsel for the respondent-State submits that because of interim directions issued by Hon'ble the Apex Court, the case of the petitioners could not be considered and now the stay has been vacated. He further submits that the case of the petitioners is under consideration with respondent No.1 and the same will be considered without any delay.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file.

The impugned order of rejection has been passed by considering the policy dated 04.04.2013, whereas, it was to be decided/considered in view of policy prevailing at the time of conviction and the instructions applicable to the case of the petitioner. Under similar circumstances, Jit Singh approached this Court by way of filing **Criminal Writ Petition No.1911 of 2014**, which was disposed of vide order dated 20.08.2015 with a direction to the respondent-State to consider the case of the petitioner in view of policy prevalent at the time of conviction of the accused as well as judgment of Hon'ble the Apex Court in case titled as **State of Haryana and others vs Jagdish 2010(2) RCR (Criminal) 464**.

In view of the above, the impugned order of rejection dated 04.03.2014 is set aside and the present petition is disposed of with a direction to the respondent-State to re-consider the case of the petitioners as per policy and instructions applicable to the case of the petitioners at the time of conviction within a period of two months from today and in case, the case of the petitioners is not re-considered within the stipulated period, the petitioners shall be entitled for interim bail subject to their furnishing

bail/surety bonds to the satisfaction of Chief Judicial Magistrate, Sangrur till the decision is taken.

The petition is disposed of accordingly.

18.11.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE