

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

**239**

**Criminal Writ Petition No.684 of 2014  
Date of decision: September 08, 2015**

**Suresh Kumar**

**....Petitioner**

**versus**

**State of Punjab and others**

**...Respondents**

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

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

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Present: Mr. Prasang Raheja, Advocate for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

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**DAYA CHAUDHARY, J.**

The present petition has been filed under Articles 226/227 of the Constitution of India for quashing of the order dated 27.09.2012 (Annexure P-2) passed by Principal Secretary, Home Affairs and Justice Department, Punjab, whereby the case of the petitioner for premature release has been rejected. A further prayer has also been made to re-consider the case of the petitioner in view of Government instructions dated 08.07.1991(Annexure P-1).

Learned counsel for the petitioner submits that the petitioner was sentenced to undergo rigorous imprisonment for life under Section 302 IPC and he has already undergone more than 14 years of actual sentence

and 22 years of sentence including remissions whereas as per Government instructions dated 08.07.1991(Annexure P-1), the life convicts are required to undergo 12 years of actual sentence and 18 years including remissions. Learned counsel has also brought to the notice of this Court the decision delivered in **Writ Petition (Criminal) No.48 of 2014** titled as **Union of India vs. V. Sriharan @ Murugan and others**, on 23.07.2015 whereby, the earlier order dated 09.07.2014 has been modified to the extent that the President of India in exercise of his powers under Article 72 of the Constitution of India and the Governors of the States in exercise of their powers under Article 161 of the Constitution of India are not prevented from exercising their power. Learned counsel further submits that now after decision in the aforesaid Crl. Writ Petition by Hon'ble the Apex Court, the case of the petitioner is to be reconsidered in view of the clarification/modification of earlier interim order.

Learned counsel for the respondent-State has not disputed the submissions made by learned counsel for the petitioner and submits that the case of the petitioner for premature release was rejected on the ground that he had committed heinous crime and the authority concerned was also of the opinion that the premature release case of the petitioner on the basis of mercy would give a wrong signal to the society and there would be propensity for people to commit such offences. Learned State counsel also submits that in compliance of order dated 23.07.2015 passed by Hon'ble the Apex Court, the premature release case of the petitioner will be re-considered and the same is likely to be decided within two months.

In view of the submissions made by learned counsel for the parties as well as keeping in view the order dated 23.07.2015 of Hon'ble the

Apex Court in **Sriharan @ Murugan's case (supra)**, the present petition is disposed of with a direction to the respondent-State to re-consider the case of the petitioner within a period of two months from the date of receipt of copy of this order, failing which the petitioner shall be entitled for interim bail subject to furnishing bail/surety bonds to the satisfaction of CJM concerned

Disposed of accordingly.

**September 08, 2015**  
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**(DAYA CHAUDHARY)**  
**JUDGE**