

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

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**Criminal Writ Petition No.284 of 2015
Date of decision: September 17, 2015**

Gurmeet Singh

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present: Mr. S.S. Rana, Advocate for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Article 226 of the Constitution of India for issuance of a direction to the respondents to consider the case of the petitioner for premature release in terms of Government Instructions dated 08.07.1991(Annexure P-1).

Learned counsel for the petitioner submits that the petitioner has undergone more than nineteen and a half years of actual sentence and 27 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 of sentence including remissions. Learned counsel has also brought to the notice of this Court the

decision in **Writ Petition (Criminal) No.48 of 2014** titled as **Union of India vs. V. Sriharan @ Murugan and others**, whereby, the earlier order dated 09.07.2014 has been modified on 23.07.2015 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 the decision rendered in the aforesaid CrI. 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 filed reply by way of an affidavit of Superintendent, Central Jail, Bathinda in the Court today and the same is taken on record. Learned State counsel 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 a heinous crime and the authority concerned was also of the opinion that the premature release 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 some time.

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

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 reconsider the case of the petitioner within a period of one month 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 17, 2015
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(DAYA CHAUDHARY)
JUDGE