

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

**CRWP No. 990 of 2013
Date of decision : 21.09.2016**

Ajit Singh @ Jit SinghPetitioner
versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner

Ms. Anmol Grewal, DAG, Punjab

RITU BAHRI, J.

This criminal writ petition under Articles 226 of the Constitution of India is for setting aside order dated 14.02.2012 (P-4) passed by respondent No. 1, whereby the premature release case of the petitioner was rejected.

Petitioner was convicted and sentenced on 24.12.1997 for life imprisonment in F.I.R No. 148 dated 02.09.1996 under Section 376/323/506 IPC registered at P.S. Tanda, District Hoshiarpur. The appeal filed against the above said judgment was dismissed.

On notice, a reply by way of short affidavit has been filed by State of Punjab and stated that the premature release case of the petitioner was initiated under the guidelines issued by the State Government and was sent to the higher authorities for consideration for premature release, which was dismissed on 24.02.2012. The petitioner has undergone more than 20 years of imprisonment including remissions but the fresh premature release case can be initiated after a period of two years from the date of dismissal,

as per guidelines dated 04.04.2013 issued by State Government (R-1).

Thereafter, another reply by way of short affidavit of Principal Secty to Government of Punjab, Department of Home Affairs and Justice Department, Chandigarh wherein it has been stated that the petitioner can move fresh application for consideration after 24.02.2014, as per guidelines dated 04.04.2013.

Learned counsel for the petitioner has referred to policy dated 08.07.1991 whereby the case of the petitioner is covered under para (b) of the policy which envisaged that the petitioner has to undergo 12 years actual sentence and 18 years in total including remissions earned by the petitioner (P-1). The case of the petitioner was placed before State Level Committee on 18.08.2010 and was rejected on the ground that the offence committed by the petitioner is heinous in nature although his case was stated to be covered under the policy dated 08.07.1991. This order dated 18.08.2010 was challenged by the petitioner, vide CRWP No. 919 of 2011 and the order dated 18.08.2010 was set aside on 12.07.2011 and respondents were directed to re-consider the case of the petitioner for premature release, within a period of two months from the date of receipt of certified copy of this order. This order was complied by the respondents and the case of the petitioner was again rejected on 14.02.2012.

Learned counsel for the petitioner has referred to CRWP No. 2332 of 2010, decided on 01.03.2011 (P-5) whereby this Court issued directions to the respondents to re-consider the case of the petitioner whereby the petitioner undergone actual sentence of 20 years, 06 months and 25 days including remissions. It was further directed that till his case is

decided by the Government, he shall be released on parole on his furnishing personal bond and surety bond to the satisfaction of District Magistrate, Kaithal.

In the present case, in the order dated 18.08.2010, it has been admitted that the case of the petitioner is covered by the policy of 08.07.1991 but since he has committed heinous crime, his case was rejected.

As per custody certificate filed today, petitioner has undergone total sentence of 23 years 06 months and 04 days including remission of 03 years 11 months and 26 days.

Applying the ratio of the above mentioned order/judgment(P-5), the present petition is also disposed of with a direction to respondents to re-consider the case of the petitioner for premature release, in view of policy dated 08.07.1991 and in view of order dated 01.03.2011 (P-5). Till the case for premature release of the petitioner is considered by the respondents, he shall be released on interim bail.

Disposed of.

21.09.2016

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes

Whether reportable No