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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 1197 of 2014 (O/M)
Date of decision : 31.3.2016

Jagmohan Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. A.P.S. Gill, Assistant A.G. Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The plea of the petitioner is that he was convicted for commission of offence punishable under Section 18 of the NDPS Act, 1985, and was sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs. 1 lac, in default thereof, to further undergo rigorous imprisonment for six months by the learned Additional Sessions Judge, Ludhiana, vide judgment of conviction and order of sentence dated 19.7.2000. Against the said judgment of conviction and order of sentence, the petitioner had filed an appeal i.e. CRA-686-SB of 2000 before this Court and this Court, vide order dated 27.8.2002

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(Annexure-P-1), reduced the sentence awarded by the lower Court from ten years rigorous imprisonment to five years rigorous imprisonment and the fine was also reduced from Rs. 1 lac to Rs. 25,000/-, whereas the conviction and the further detention in case of default of payment of fine were maintained. Resultantly, the appeal was partly allowed.

Learned State counsel states that the petitioner was released on parole on 20.9.2004. He was to report back in the jail on 2.11.2004. However, he did not surrender before the jail authorities till today. Vide letter dated 4.7.2014 (Annexure-P-8), issued by the office of Senior Superintendent of Police, Rupnagar, his arrest was ordered, which has been stayed by this Court, vide order dated 29.10.2014.

The claim of the petitioner is that the period undergone by him before year 2006 is to be considered for the purpose of remission, as per the judgment of the Apex Court and that in this way, according to the petitioner, he has completed his sentence.

However, the fact remains that the petitioner was released on parole for a particular period and he did not surrender back before the jail authorities. Therefore, in these circumstances, the present petition is disposed of with a direction to the petitioner to surrender back in jail within one week from the date of passing of this order, failing which he be arrested and committed to jail. After his surrender or arrest, as the case may be, the jail authorities shall consider the case of the petitioner to see whether he is entitled to remission and

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entitled to be released, in accordance with the State policy and pass a speaking order within one month.

The petition is disposed of.

(KULDIP SINGH)
JUDGE

31.3.2016
sjks