

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1300-2015 (O&M)
Date of decision: 28.03.2016

Dalip Kumar

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Akshay Rana, Advocate for the petitioner
Mr.Navdeep Singh, AAG Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner seeks the consideration of his case for his pre-mature release as per government instructions dated 8.7.1991 (Annexure P1).

Suffice to say that the petitioner was convicted for commission of offence punishable under Section 302 IPC and some other sections.

Reply of the State shows that case of the petitioner has not been put up before the Governor of the State on the ground that his appeal against the order of this Court before Hon'ble Supreme Court of India is pending. The matter was considered by this Court in Harjit Singh @ Hare Ram v. State of Punjab and others, 2015(1) RCR (Criminal) 370, wherein the authority in the case of Narayan Dutt v.

State of Punjab, 2011 (2) RCR (Criminal) 140 was considered by the Division Bench of this Court and it was observed as under:-

“Further, just because a convict has preferred an appeal before the Appellate Forum exercising his right of appeal, his case for premature release cannot be rejected on the filmsy ground that he has preferred an appeal which is pending disposal. If the case of the convict falls squarely under the instructions issued by the Governor of Punjab for premature release, the Government has to consider the case of the convict despite the pendency of the appeal before the Court as to whether he is entitled to be prematurely released.”

It being so, the direction is issued to the State to consider the case of the petitioner for pre-mature release as per the policy applicable to him notwithstanding the pendency of the appeal before the Supreme Court. The final decision in this regard be taken within three months from the receipt of a certified copy of this order.

28.03.2016
gk

(Kuldip Singh)
Judge