

285.

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

CRWP-1831-2015

Date of decision:03.10.2016

Mohan Singh

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Sanjeev Manhas, Advocate,
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. is for issuance of direction to respondents to consider and decide the premature release case of the petitioner in the light of Punjab Government Policy dated 08.07.1991 (Annexure P-1).

Learned counsel for the petitioner states that FIR No.134 dated 22.05.2003, under Sections 302/380/411 IPC, Police Station Model Town, District Ludhiana, was registered against the petitioner wherein vide judgment dated 20.07.2009, learned Additional Sessions Judge, Ludhiana, convicted and sentenced the petitioner to undergo rigorous imprisonment for life and to pay a fine of ₹3,000/- and in default of payment of fine, to further undergo rigorous imprisonment for three months for an offence under Section 302 IPC. He was also sentenced to undergo rigorous

imprisonment for seven years and to pay a fine of ₹500/- and in default of fine, to further undergo rigorous imprisonment for 15 days for an offence under Section 397 IPC. However, the sentences were ordered to run concurrently.

The petitioner has preferred appeal against the judgment of conviction and sentence bearing Criminal Appeal No.116-DB of 2010, but the same was dismissed by this Court vide order dated 30.08.2012. Under these circumstances, the petitioner is serving his sentence in the above case and presently, he is confined in Central Jail, Patiala, though earlier, he was in Central Jail at Ludhiana.

Learned counsel for the petitioner states that the case of the petitioner for his premature release is required to be considered on the basis of Government Policy/Instructions dated 08.07.1991 and in order to seek, premature release, on completion of requisite period, petitioner has already made a request to the jail authorities for initiation of his premature release case. Even respondent No.3 i.e. Superintendent, Central Jail, Ludhiana-(the place where he was confined at the relevant time), recommended and forwarded the case of the petitioner to respondent No.2 i.e. Director General of Police (Prison), Punjab, but the same has not been decided so far.

Learned State counsel very fairly states that the case of the petitioner for premature release would be considered and decided in accordance with law within a specified period.

Accordingly, without commenting on the applicability of the notification or any other law in force, the present petition is disposed of with a direction to respondent No.2-Director General of Police (Prison), Punjab, Chandigarh, to consider the case of the petitioner for premature

release in accordance with law and preferably within a period of 3 months from the date of receipt of certified copy of this order.

(HARI PAL VERMA)
JUDGE

03.10.2016
sanjeev

Whether speaking/reasoned	Yes/No.
Whether Reportable:	Yes/No.