

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

**Criminal Writ Petition No.97 of 2016 (O & M)
Date of Decision:-31.08.2016**

Rajesh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mrs. Sarla Chaudhry, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Article 226 of the Constitution of India read with Sections 482 and 428 Cr.P.C. is for release of petitioner in FIR No.53 dated 30.4.1995, under Section 20 of the NDPS Act, registered at Police Station Kalanaur, District Rohtak.

Learned counsel for the petitioner states that vide judgment dated 14.10.1998 the petitioner was convicted and sentenced to undergo rigorous imprisonment for 10 years with fine of Rs.1,00,000/- under Section 20 of the NDPS Act and in default of payment of fine to further undergo 2 years and 6 months rigorous imprisonment.

Learned counsel for the petitioner further states that having been convicted in the aforesaid case for 10 years, the petitioner has

completed his sentence of 10 years and, therefore, the petitioner is entitled to be released forthwith in the case.

Reply dated 30.4.2016 on behalf of State has already been filed through the Superintendent District Jail, Rohtak. It has not been disputed that on 30.4.2016 the petitioner had completed his sentence of 09 years, 09 months and 15 days and in this manner as on date he has completed his sentence of 10 years.

Considering the fact that as on date the petitioner has completed his awarded sentence of 10 years in case FIR No.53 dated 30.4.1995, under Section 20 of the NDPS Act, registered at Police Station Kalanaur, District Rohtak, the petitioner is entitled to be released forthwith in this case.

Therefore, on completion of his sentence of 10 years in abovementioned FIR No.53 dated 30.4.1995, the petitioner is ordered to be released in this case forthwith. This release order is confined to FIR No.53 dated 30.4.1995, under Section 20 of the NDPS Act, registered at Police Station Kalanaur, District Rohtak.

Disposed of.

August 31, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No