

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

**COCP No.2515 of 2016
Date of decision: 29.03.2017**

Rajinder Kumar

..Petitioner

Versus

Jagjit Singh

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G., Haryana
for the respondent.

Daya Chaudhary, J. (Oral)

The petitioner has filed the present contempt petition for non-compliance of order dated 01.06.2016 passed by this Court in Criminal Writ Petition No.1093 of 2015, vide which, it was directed to re-consider the case of the petitioner by the competent authority preferably within a period of two months from the date of receipt of certified copy of the order, as per law.

It was mentioned in the said order that as per stand of the respondent-State, the petitioner was not granted premature release on the ground that he jumped the parole. However, it was also mentioned in the order that learned State counsel has not shown any law to this Court that on this ground, remissions/premature release cannot be granted. By considering this aspect, the direction was issued to the respondent to re-consider the

case of the petitioner.

Thereafter, the claim of the petitioner was considered and the same was rejected as per law vide order dated 03.03.2017 (Annexure R-1). It has been mentioned in the status report dated 15.03.2017 that the case of premature release of the petitioner was placed before the State Level Committee and it was considered in its meeting held on 27.02.2017 but it was not recommended as the petitioner has undergone actual sentence of 16 years 5 months and after including remissions, the total sentence comes to 20 years 9 months and 1 day as on 14.02.2017 whereas he was convicted and sentenced for life imprisonment. The case was investigated by the CBI and as per Section 435 Cr.P.C., the Central Government was consulted. However, the case of the petitioner was considered but he was not found entitled for premature release not only on the ground that he jumped the parole but by considering the gravity as well as charges framed against him.

A detailed speaking order was passed on 03.03.2017 but there is delay in passing the order as the order passed by this Court was to be complied with within a period of two months from the date of receipt of certified copy of the order. The order was not passed within the stipulated period and no application for extension of period was moved. It has been mentioned that the delay has occurred as the matter was sent for approval to the Central Government.

Since the order passed by this Court has been complied with as the case of the petitioner has been considered, nothing remains in the present contempt petition and the same is disposed of accordingly.

However, for causing delay and for not complying the order

within the stipulated period, an amount of ₹10,000/- is imposed as costs upon the respondent to be paid to the petitioner by way of bank draft within a period of one month from the date of receipt of certified copy of this order.

However, the petitioner is at liberty to challenge the order, in case, he is aggrieved in any manner.

29.03.2017
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	√ Yes/No
Whether Reportable	√ Yes/No