

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

**CRWP No.1351 of 2013
Decided on: 29.08.2017**

Charanjit Kaur @ Bhandero

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Randeep S. Khaira, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this criminal writ petition is for quashing of impugned order dated 08.05.2013 (Annexure P2) and further for releasing the petitioner pre-maturely in view of the recommendation made by the Jail Authorities.

On 28.03.2016, the following order was passed by this Court:-

“Reply by way of affidavit of Sh. Rajan Kapur, PPS, Superintendent, New District Jail, Nabha has been filed by the learned State counsel, which is taken on record.

In the light of the contention of the counsel for the petitioner Mr. Nandan Jindal that the Inspector General Jails, Punjab, Chandigarh has recommended the case of the petitioner to the State Government for favourable consideration and there the matter is still pending since 29.11.2015 for final authority to pass appropriate orders and in view of the arguments that has been advanced for the petitioner's counsel, the petitioner has undergone incarceration of 19 years including remissions which is

duly accepted by the learned State counsel who has submitted that it will take some time for final clearance by the concerned authority and having regard to the period undergone which is much more than the awarded sentence, it will be in the interest of justice to release meanwhile the convict-petitioner on furnishing two sureties to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Barnala.

For seeking further instructions from the State, list on 20.7.2016.”

Counsel for the petitioner, at this stage, restricts his argument to issue a direction to the respondents to pass a final order on the recommendation made by the Inspector General Prison, Punjab dated 29.11.2015 as the same is still pending with the State Government within a time frame. He further submits that in case, the case of the petitioner is not approved and is rejected, the petitioner undertakes to surrender before the Jail Authorities to undergo the remaining period of sentence.

Prayer of the petitioner is not opposed by counsel for the State.

Heard.

In view of the above, the present writ petition is disposed with a direction to respondent to decide the case of the petitioner for pre-mature release expeditiously as recommended by the I.G. Prison, Punjab on 29.11.2015 on or before 15.11.2017. In case, claim of the petitioner is rejected the same will be communicated to the petitioner and he shall surrender before the Jail Authorities forthwith as per the undertaking given by counsel for the petitioner in this regard.

Till decision by the State Government, the interim order dated 28.03.2016 shall remain continue.

(ARVIND SINGH SANGWAN)
JUDGE

29.08.2017
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No