

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

CRWP No.1879 of 2013 (O&M)

Date of decision : July 18, 2017

Amar Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajinder Kumar Singla, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

The present petition has been filed by the petitioner for releasing him, claiming that his further confinement is illegal. The petitioner was convicted in case FIR No.52, dated 13.02.1992, under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1981, registered at Police Station Sadar Fazilka, District Fazilka by the learned Special Judge, Ferozepur vide judgment dated 24.04.2000 and sentenced to undergo rigorous imprisonment for 10 years and to pay fine of ₹1,00,000/-, in default of payment of fine, to undergo further rigorous imprisonment for one year. The appeal against the said judgment was dismissed and has now become final.

Petitioner claims that remissions granted on various dates should be allowed to him.

Vide order dated 23.05.2016, this Court after going through the stand of both the parties, shortened the controversy to benefit of only one remission dated 14.08.2003. The benefits of some of the remissions were granted to the petitioner while he was in custody in jail. However, the petitioner was released on bail on 01.08.2003 and the State denied the said remission to the petitioner on the ground that he was on bail on 14.08.2003 when the Notification (Annexure P-4) was issued. The State has also referred to the judgment of Hon'ble the Supreme Court in case of ***“Joginder Singh v State of Punjab and others”***.

I have heard learned counsel for the parties and have also carefully gone through the case file.

The relevant Notification dated 14.08.2003 (Annexure P-4) granted one year remission. The petitioner claims benefit of Clause 6 of the said Notification, which is reproduced as under:

“6. The Governor of Punjab is further pleased to grant one years special remission to prisoners who have been convicted by the Courts of Criminal Jurisdiction in the State of Punjab and confined in jails as on 15.08.2003.”

A perusal of the said clause shows that the benefit of remission can be availed if the petitioner had been confined in jail as on 15.08.2003. However, the admitted position is that the petitioner was released on bail on 01.08.2003. Therefore, he does not fulfills the conditions laid down in Clause 6 of the Notification dated 14.08.2003 (Annexure P-4). Consequently, the petitioner is not entitled to the benefit of Notification dated 14.08.2003 (Annexure P-4) and was rightly declined by the State.

There is no controversy regarding the remaining remissions claimed by the

petitioner. So far as remission for sentence in lieu of fine is concerned, the benefit of remission is not applicable. It being so, the present petition is, accordingly, disposed of.

(KULDIP SINGH)
JUDGE

July 18, 2017
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No