

Jarnail Singh @ Jailli Versus State of Punjab and others

Present: Mr.V.K. Jindal, Advocate
for the applicant/petitioner.

Vide detailed order dated 16.8.2017, Criminal Writ Petition-1442-2015 under Article 226/227 of the Constitution of India was dismissed. The applicant has filed the instant application under Section 482 Cr.P.C. for recalling of the said order and for deciding the writ petition on merits besides granting the consequential relief.

Inter alia, it is contended that the applicant was entitled to the remissions granted under the circulars Annexure P-4, P-5, P6, P-7 and P-8 on 12.1.2009 itself, the day when he surrendered before the jail authorities. As a matter of fact, he was allowed interim bail for a period of 90 days from 14.1.2010 to 13.4.2010. He had been granted parole thereafter, as such his overstay of 110 days on account of absence from jail i.e. from 7.4.2011 to 26.7.2011, he cannot be denied benefit of remissions, therefore order be recalled and writ petition be decided on merits.

I have heard learned counsel for the applicant besides going through record.

Learned counsel for the applicant has argued raising the contentions taken by him in the application. He has pressed into service citations *Smt.Kavita Versus State of Maharashtra and others, 1981 AIR(SC) 2084* and *Vikram Singh @ Vicky Walia and Anr. Versus State of Punjab and another, 2017(3) R.C.R.(Criminal) 648* in support of his arguments that the order can be recalled under the circumstances.

After hearing the rival contentions, I find that the order was passed

keeping in view the case set up by the petitioner in writ petition and stand taken by respondents in the written reply in light of the legal proposition and the relevant circulars/rules and it was not dismissed on technical point without touching the merits of the case. Therefore, no ground is made out to allow the application and recall the order.

The application is, accordingly, dismissed.

11.10.2017
Brij

(H.S. MADAAN)
JUDGE