

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

CRWP-1295-2016 (O&M)
Date of decision : 19.01.2017

MOHINDER RAM

...Petitioner

V/S

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. A.S. Trikha, Advocate for the petitioner (s).

Mr. R.S. Nain, AAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

This Criminal Writ Petition has been filed under Article 226 of the Constitution of India for issuance of direction to respondent No.1 to decide the premature release case of the petitioner.

It is asserted that the case of the petitioner is covered under the Policy dated 04.04.2013, whereas his case was wrongly considered and rejected against the Policy dated 08.07.2013.

Reply filed on behalf of respondent-State has been filed in the Court, same is taken on record. Para No.7 of the reply reads as under:-

“That on 23.07.2015 Hon'ble the Supreme Court of India in the same Writ Petition (Cr.) modified its order dated 09.07.2014 and allowed the State Governments to exercise power of remission subject to certain restrictions. It has been ordered by Hon'ble the Supreme Court that in the following cases the power of remission will not be exercised by State Governments:-

1) Where life sentence has been awarded specifying that:-

a) the convict shall undergo life sentence till the end of

his life without remission or commutation:

b) the convict shall not be released by granting remission or commutation till he completes a fixed term such as 20 years or 25 years of life.

c) where no application for remission or commutation was preferred, or considered suo motu by the concerned State Governments/authorities.

d) where the investigation was conducted by any Central Investigating Agency like the Central Bureau of Investigation.

e) where the life sentence is under any central law or under Section 376 of the Indian Penal Code, 1860 or any other similar offence.”

Heard.

Keeping in view the prayer made in the petition, without advertng to the merits of the case, at this stage, the present petition is disposed of with a direction to respondent No.2, to re-examine the case of the petitioner in the light of Policy dated 04.04.2013 and upon consideration if the competent authority reaches to the conclusion that case of the petitioner is covered under the said Policy, the necessary relief be accorded to the petitioner within a period of 4 weeks from the date of receipt of the certified copy of this order.

19.01.2017

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No