

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

216

CRWP-1599 of 2016

DATE OF DECISION:01.08.2017

NARINDER SINGH

... Petitioner(s)

V.

STATE OF PUNJAB AND ANR.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Mr. H.S. Grewal, Addl. A.G., Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has sought a direction to the respondents for his premature release.

Learned counsel for the petitioner contends that the petitioner has been convicted in FIR No.31 dated 11.03.2005 under Sections 120 B 364A IPC Police Station Budhladha by the order and judgment of the trial Court dated 14.02.2008 and sentenced to rigorous imprisonment for life and fine of Rs.5,000/- and in default thereof, further simple imprisonment for 6 months. The petitioner has already undergone total sentence of 16 years and would be entitled to premature release in terms of the law laid down in the case of *State of Haryana Vs. Jagdish, reported as 2010 (3), JT 341*. Learned counsel has also contended that in terms of the instructions issued by the State Government for pre-mature release which were applicable at the time of the registration of FIR against the petitioner in the year 2005, the life convict who had undergone total period of 14 years with remissions and actual sentence of 10 years, was entitled for premature release. These instructions

have subsequently been amended by the State Government wherein the mandatory period for premature release has been enhanced. The petitioner had earlier also sought his premature release which was rejected by the respondents by order dated 29.12.2015 which was challenged by him by preferring CRWP No.615 of 2016. The order was set aside and the respondents were directed to consider the representation of the petitioner for premature release afresh in the light of the policy which was in operation at the time when the crime was committed and pass a speaking order within one month. The representation of the petitioner has not been decided till date and the petitioner preferred the instant petition seeking a direction to the respondents for his premature release.

A coordinate Bench of this Court by the order dated 14.12.2016 while issuing notice to the respondents had directed that the petitioner shall be released on interim bail. Learned counsel for the petitioner contends that the petitioner is on bail and the respondents have not taken any action on his representation despite the order of this Court.

Learned State counsel has filed reply in the form of affidavit of Superintendent, District Jail, Sangrur wherein, it is stated that as per the policy instructions of 1991 which were in force at the time of commission of the offence, the case of the petitioner falls in para 3 (1)(E) thereunder and it has been sent to the Governor of Punjab for consideration and final decision thereon.

Therefore, as the respondents have sent the case of the petitioner for premature release to the Governor, no further directions are called for in this petition. The interim order dated 14.12.2016 shall continue till the

decision is taken by the Governor. However, in case, the case of the petitioner is rejected, the petitioner shall surrender before the Jail authorities.

The petition stands disposed of accordingly.

August 01, 2017
SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

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