

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

**CRWP-322-2017 (O&M)
Date of decision: - 18.8.2017**

Jatinder Kumar

.....Petitioner

versus

State of Punjab and ors

.....Respondents

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. S.S. Rana, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

Prayer in the present petition is for issuance of directions to respondents to release the petitioner granting him relief as per instructions/policy issued by Government of Punjab, Department of Home Affairs and Justice (Home VII Branch) 8.7.1991 (Annexure P-1) for premature release.

In the reply dated 3.5.2017, filed by way of affidavit of Superintendent New District Jail, Nabha, it is not denied that the case of the petitioner for premature release along with necessary documents was sent to Additional Director General of Police (Jails), Punjab on 23.2.2017 and later on the same had been sent to Punjab Government by the office of Additional Director General of Police (Jails), Punjab on 11.4.2017, which is under consideration.

Learned counsel for the petitioner has submitted that the case of the petitioner is liable to be considered in view of policy dated 8.7.1991 which was applicable on the date when he was convicted on 22.5.2006 by the trial Court.

In support of his contentions, learned counsel for the petitioner relies upon a judgment of Supreme Court in 2010(4) SCC 216, State of Haryana and ors vs. Jagdish, where a similar direction has been given that while considering premature release case of a convict, policy which was applicable on the date of judgment of conviction will apply.

In view of above, present petition is disposed of with a direction to respondent No. 2-Additional Director General of Police (Prisons), Punjab to decide the case of the petitioner in the light of policy dated 8.7.1991 within a period of 30 days from the date of receipt of copy of this order.

Disposed of with aforesaid direction.

(ARVIND SINGH SANGWAN)
JUDGE

18.8.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No