

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

**Crl. Writ Petition No.55 of 2017 (O&M)
Date of Decision: April 26, 2017**

Avtar Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.V.S.Rana, Advocate
for the petitioner (s).

Mr.Ashish Sanghi, D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

Heard.

While declining the premature release of the petitioner vide order dated 11.11.2016, his case was considered under policy dated 4.4.2013. The petitioner was convicted and sentenced in case FIR No.56 dated 3.3.2001 vide judgment dated 28/30.3.2005 passed by Additional Sessions Judge, Barnala and his appeal was dismissed vide judgment dated 11.3.2008 by this Court.

As per observations in CWP No.358 of 2014 titled Jarnail Singh @ Jaila Singh v. State of Punjab decided on 28.8.2015, the case of the petitioner for premature release is required to be considered as per policy dated 8.7.1991 which was prevalent at the time of his conviction/sentence.

Accordingly, the order dated 11.11.2016 (Annexure P-5) is set aside and the competent authority is directed to consider the case of the petitioner afresh for pre-mature release as per Government instructions/policy dated 8.7.1991 within a period of 3 months of receipt of a certified copy of this order.

April 26, 2017
Paritosh Kumar

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>