

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

**CRWP No.642 of 2017 (O&M)
Date of Decision: June 01, 2017**

Chander Bhan

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rahul Deswal, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition under Article 226/227 of the Constitution of India for giving direction to the respondent to verify the period undergone by the petitioner, who is convicted under NDPS Act including remission granted under para 633-A, 635, 639, 644 of Punjab Jail Manual and under Article 161 of the Constitution of India and if the petitioner has undergone the sentence awarded by the Court after adding all remissions, then he shall be released temporarily on bail etc. and for staying the operation of order dated 24.04.2017 passed by learned Chief Judicial Magistrate, Panipat.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that as per order dated 25.03.2009 passed by this Court in CRM No.M-8272 of 2009, this Court released the

petitioner on interim bail and one of the condition in that order was as

under:-

- (ii) *The petitioner will remain on bail during the pendency of SLP No.2496 of 2006 in Hon'ble Supreme Court. If as per the judgment of the Supreme Court, benefit of remissions under Article 161 is not granted, the convict will surrender back in jail for undergoing the unexpired period of sentence.*

The order dated 27.08.2010 passed by Hon'ble Supreme Court in SLP No.2496 of 2006 is also placed on the record. It is ordered that the Special Leave Petition is dismissed requiring no further orders. However, the question of law is left open, which means that no benefit of remission under Article 161 of the Constitution of India has been granted in that SLP.

Therefore, as per the above-stated condition in the order dated 25.03.2009 passed by this Court, the convict had to surrender back in jail for undergoing the unexpired period of sentence. The Hon'ble Supreme Court has passed the order on 27.08.2010 but since then, the present petitioner has not surrendered.

Now, learned CJM, Panipat has passed the impugned order dated 24.04.2017 issuing non-bailable warrants against the convict. No illegality has been committed by learned Magistrate, while passing the impugned order. No ground is made out for staying the operation of the impugned order dated 24.04.2017 passed by learned CJM, Panipat.

Therefore, finding no merit in the present petition, the same is dismissed.

June 01, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No