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

CWP No.18252 of 2018

Date of decision: September 28, 2018

Hardeep Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

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

Ms. Rukhsaar Dhindsa, AAG, Punjab.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *certiorari* for quashing the order dated 07.07.2017 by which her prayer for premature release has been declined.

In brief, the petitioner was tried in a criminal case registered vide FIR No.35 dated 19.03.2001, under Sections 302/34 IPC at Police Station Payal and was convicted and sentenced by the Additional Sessions Judge, Ludhiana on 28.05.2003 for life imprisonment. The appeal filed by the petitioner against her order of conviction and sentence was also dismissed by this Court on 01.08.2008.

The petitioner had applied for her premature release in terms of the policy dated 08.07.1991 but her case has been rejected on the ground that on 10.01.2015, an under trial prisoner, namely, Parkash Kaur had expired in the jail premises and the petitioner along with other convicts had interfered in the functioning of the jail administration inasmuch as she allegedly threw brick bats on the jail officials, for which a case bearing FIR No.12 dated 10.01.2015

under Sections 186/353/332/148/149 IPC was registered against her, in which she was convicted and sentenced to undergo RI for 6 months.

Counsel for the petitioner has submitted that being a female prisoner, case of the petitioner would be covered in Clause 1.1(C) of the policy dated 08.07.1991, in which it is provided that a female prisoner has to complete 8 years of actual sentence and 12 years of total sentence with remissions for the purpose of seeking premature release and the petitioner has admittedly undergone more than 10 years of actual sentence and more than 17 years 9 months of total sentence with remissions as on 07.07.2017 when the impugned order was passed.

It is further submitted by him that another convict, namely, Sarabjit Kaur, who was also involved in FIR No.12 dated 10.01.2015, had filed CRWP No.1214 of 2017, which was disposed of by this Court on 23.03.2018 with a direction to reconsider her case.

The averments made in para no.9 of the writ petition in this regard has not been denied by the respondents in their reply.

Thus, keeping in view the aforesaid facts and circumstances, the present petition is hereby allowed, impugned order dated 07.07.2017 is set aside and the case is remanded back to respondent no.1 to re-consider the same for the purpose of premature release of the petitioner in terms of the order passed by this Court in **Sarabjit Kaur's case (supra)**. The necessary orders in this regard be passed by respondent no.1 within a period of one month from the date of receipt of certified copy of this order.

September 28, 2018
vinod*

(Rakesh Kumar Jain)
Judge

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