

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 20294 -2018 (O&M)
Date of decision: 03.12.2018

Sonia

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Sarvesh Kumar Gupta, Advocate for
Mr.S.S.Rana, Advocate for the petitioner
Mr.Sunint Kaur, AAG Punjab

1. *Whether Reporters of Local newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner has impugned order dated 1.12.2017 (Annexure P2), passed by Government of Punjab, vide which, his prayer for pre-mature release was declined.

Heard.

The impugned order dated 1.12.2017 shows that the petitioner was sentenced to death in a murder case of a child. Her death sentence was upheld by this Court. However, Hon'ble Supreme Court commuted the same to life imprisonment. As per impugned order, policy dated 8.7.1991 of the Government is applicable, under which, the convict is required to undergo ten years of actual sentence and with remissions after excluding parole period, 14 years, which she has completed. However, the only ground on which premature release is rejected is that the District Magistrate, Patiala has not recommended her case for pre-mature release.

State in the reply has also annexed the order of District Magistrate, Patiala, which shows that the District Magistrate, did not

recommend the case only on the ground that there is no Panchayatnama in favour of the petitioner. It was further recorded that Jagjit Singh, Sarpanch village Nizamniwala @ Amaam Nagar was making lame excuses and no Panchayatnama or witness was produced. The then Sarpanch who had recommended pre-mature release and made statement before District Magistrate, Patiala is now under suspension and as such, it cannot be a Panchayatnama.

I am of the view that for the purpose of premature release, the good conduct of the petitioner is to be seen. Sarpanch is not final authority to give such certificate. As such, report of District Magistrate, Patiala is found to be illegal and could not be made basis to decline pre-mature release case of the petitioner.

As such, the impugned order dated 1.12.2017 (Annexure P2) is hereby quashed. Respondents are directed to consider the case of the petitioner afresh, in view of the observations made above and decide the same within one month from the date of receipt of a certified copy of this order. It is further directed that if the State, for one or the other reason, is unable to decide the case of the petitioner, within one month, in view of the stand of the State that the petitioner has undergone the requisite sentence, she will be released on interim parole on her furnishing adequate surety before the District Magistrate concerned.

With these observations, the present petition stands disposed of.

03.12.2018

gk

(Kuldip Singh)

Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No