

CWP No.3826 of 2018

Date of Decision:24.09.2018.

Sukhwinder Kumar

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Ms. Rupinder Kaur Brar, Advocate
for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is a life convict, presently lodged in District Jail, Sangrur, has applied for his premature release in terms of policy dated 08.07.1991.

Learned counsel for the petitioner has submitted that the petitioner has been convicted for an offence committed under Section 302/120-B IPC by the Additional Sessions Judge, Sangrur on 06.06.2011 in a case registered vide FIR No.86 dated 19.05.2008 under Sections 302/307/498-/34 IPC at Police Station- Dhuri and by order of the even date sentenced to undergo life imprisonment. The counsel for the petitioner has submitted that the case of the petitioner would fall in Clause (c) of the policy as per which, the petitioner has to suffer 10 years of actual imprisonment and 14 years of imprisonment with remission. Whereas, the respondents are putting the case of the petitioner in the heinous crime, much less for the offence committed under Section 302 of the IPC where murder has been committed in connection with any dispute over dowry.

Learned counsel for the petitioner has submitted that no doubt the wife of Parminder Kumar was allegedly murdered by pouring kerosene oil and setting her on fire but there is no such finding by the trial Court that the said murder took place because of the demand of dowry to attract Section 498-A of the IPC.

Learned counsel for the respondents has also failed to show that the murder has been committed in pursuance of demand of dowry more so when the petitioner has not been convicted under Section 498-A of the IPC, though was tried as such when the allegations were made against him in FIR No.86 dated 19.05.2008 registered under Sections 302/307/498-A/34 of IPC.

After hearing learned counsel for the parties, I am of the considered opinion that the case of the petitioner requires to be reconsidered by the respondents in terms of the clause (c) of the policy instead of clause (b) of the policy, which deals with the cases of the conviction for life imprisonment for which death is the punishment and have committed the heinous crime.

In view of the above, the present writ petition is allowed with a direction to the respondents to consider the case of the petitioner under Clause (c) of the policy as soon as possible, preferably within a period of three weeks, from the date of receipt certified copy of this order.

(RAKESH KUMAR JAIN)
JUDGE

September 24, 2018

Jyoti-IV

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No