

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 9012 -2018 (O&M)
Date of decision: 04.12.2018

Zile Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Gobind Dhanda, Advocate for the petitioner
Mr.Nischal Mann, DAG Haryana

- 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?*

Kuldip Singh, J. (Oral)

Petitioner was convicted in two cases of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS Act') i.e. in FIR No.204 dated 11.12.1992 under Section 18 of NDPS Act and in FIR No.62 dated 14.3.1993 under Section 18 of NDPS Act and was sentenced to undergo RI for ten years each. Petitioner has already undergone the complete sentence in FIR No.62 dated 14.3.1993. Now, sentence in FIR No.204 dated 11.12.1992 is running.

Prayer in the present petition is for grant of remission. From the written statement, it comes out that no remissions are being granted under Section 432 Cr.P.C. To persons convicted under NDPS Act and the remissions already granted to various convicts have been withdrawn. However, it is stated that under Article 161 of Constitution of India, the Governor has the power to grant remissions. As per written statement, the

petitioner has already undergone the total sentence of 7 years 8 months and 20 days in case in FIR No.204 dated 11.12.1992, after deducting the parole from the total sentence. The state has already given a chart showing that the petitioner has been granted remissions under Article 161 of Constitution of India and the total remissions are 405 days i.e. 1 year 1 month and 15 days. State has informed that whenever the Governor passes such order, order will be enforced, as per contents of the said order.

It being, the present petition is disposed of that in future if the Governor grants remissions, which are applicable to the present petitioner, the same shall be extended to the petitioner in terms of the stand taken in the written statement.

04.12.2018*gk***(Kuldip Singh)****Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No