

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

**CWP-9932-2018 (O&M)
Date of decision:11.12.2018**

Gurmit alias Nitu

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Nitin Rathee, Advocate
for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

Kuldip Singh, J. (Oral)

Petitioner has approached this Court by filing petition under Article 226/227 of the Constitution of India for directing respondents No.1 & 2 to grant him premature release as per policy dated 04.02.1993 (Annexure P-4).

Petitioner was convicted in a murder case.

Suffice to say that the State in the reply has taken the stand that as per present policy dated 12.04.2002, petitioner was required to undergo requisite period of actual sentence of 10 years and 14 years with remission. Therefore, it is stated that since the petitioner has not completed the requisite period of 14 years with remission, therefore his case cannot be considered. Today, custody certificate dated 10.12.2018 has been filed which shows that the petitioner has undergone actual sentence of 10 years,

04 months & 18 days and with remission 13 years, 10 months & 27 days that would mean that the petitioner is going to complete the requisite period of 14 years with remission in the next little more than one month.

Learned counsel for the petitioner contends that the case of the petitioner is to be initiated three months before the completion of requisite period, therefore, appropriate direction may be given to the State and the petition be disposed of.

As such, in view of the circumstances, petition is disposed of with direction to the State to initiate the case of the petitioner for premature release by appropriate authority so that his case could be considered on completing requisite sentence i.e. actual custody of 10 years and with remission, 14 years.

Needless to say that the authorities shall pass a speaking order in accordance with law and then dispose of the matter without being influenced by the fact that the petitioner had approached this Court.

Petition is accordingly disposed of.

(KULDIP SINGH)
JUDGE

11.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No