

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6823-2019

Date of Decision:-16.05.2019.

Veerrain Arao

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sanjeev Manhas, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.

Petitioner has filed this petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus for issuance of direction to the respondents to consider and decide his premature release case, in the light of Punjab Government premature release policy dated 08.07.1991 (Annexure P-1).

Reply by way of affidavit of Shamsher Singh Boparai, PPS, Superintendent, Central Jail, Ludhiana dated 16.05.2019 on behalf of respondent Nos.1, 2 and 4 is taken on record.

Petitioner is undergoing life imprisonment in Central Jail Ludhiana in Case FIR No.42 dated 29.04.2006 under Section 302 IPC, registered at Police Station Dehlon, District Ludhiana convicted by the learned Additional Sessions Judge, Ludhiana on 27.10.2009 and was sentenced to undergo rigorous imprisonment for life and to pay fine of Rs.5,000/- and in default of payment of fine further to undergo rigorous imprisonment for 06 months. The petitioner had

filed appeal vide CRA No.987-DB-2009 which was dismissed by this Court on 08.01.2015.

It has been submitted for report from the District Magistrate, Katiyar (Bihar), case of the petitioner for premature release is pending.

Learned counsel for the petitioner has submitted that the case of the petitioner is fully covered by the policy dated 08.07.1991 (Annexures P-1), as per which the petitioner is required to undergo 10 years of actual sentence and 14 years with remissions. His case falls under para No.3(1) clause "C" of the Policy dated 08.07.1991 (Annexure P-1).

As per the custody certificate (Annexure R-1), petitioner has already undergone 12 years, 11 months and 15 as actual sentence and 20 years, 11 months and 15 days as total sentence including remission.

In this view of the matter, State is directed to re-consider the case of the petitioner for premature release in view of the Policy dated 08.07.1991 (Annexure P-1) and pass a speaking order within 90 days from the date of receipt of certified copy of this order.

In the meanwhile, petitioner be released on interim bail, subject to his furnishing bail bonds to the satisfaction of Chief Judicial Magistrate/Area Magistrate/Duty Magistrate concerned.

Disposed of.

(RAJ SHEKHAR ATTRI)
JUDGE

May 16, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.