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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10979-2018 (O&M)
Date of decision : 11.01.2019

Sukhwinder Singh @ Bittu

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. M.S. Bajwa, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Present petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of mandamus directing respondent No. 2 to decide the case of pre-mature release of the petitioner.

It comes out that petitioner has been convicted under Section 302, 307 of the Indian penal Code read with Sections 25 and 27 of the Arms Act, 1959 and sentenced to undergo rigorous imprisonment for life under Section 302 of the Indian Penal Code in addition to fine vide judgment of conviction and order of sentence dated 21.8.2006 passed by learned Sessions Judge, Amritsar.

Learned counsel for the petitioner submits that matter is pending with the respondents almost for 10 years and is not being decided which violate Sections 14, 19 and 21 of the Constitution of India.

As per the reply filed by State on behalf of respondents No. 1, 2 and 4 on 27.11.2018, State has taken the plea that pre-mature release case of the petitioner was initiated on 2.12.2016 vide letter No. 10845 dated 02.12.2016 to the District Magistrate, Tarn Taran for police verification. The same was recommended by the District Magistrate, Tarn Taran vide letter No. 338 dated 21.3.2017 to the Director General of Police (Prisons), Punjab. Thereafter, the case was sent to Additional Director General of Police (Prisons), Punjab, Chandigarh vide office letter No. 5904 dated 15.6.2017. However, it appears that thereafter the matter is lying pending there.

In the circumstance, petition is disposed of with a direction to respondents to take final decision on the application dated 15.6.2017 within one month from the date of receipt of certified copy of this order. Considering the fact that as per the custody certificate attached by the State Government with the reply, petitioner has already undergone actual custody of 12 years 02 months and 20 days and with remission 19 years and 08 days as on 6.10.2018, it is ordered that if the State is unable to take the final decision within one month, petitioner shall be released temporarily on parole on his furnishing surety bonds to the satisfaction of the District Magistrate concerned till the final decision is taken by the State Government.

In view of above, petition stands disposed of.

(KULDIP SINGH)
JUDGE

11.01.2019

preeti

Whether speaking / reasoned

Yes

Whether Reportable:

No