

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-20830-2019 (O&M)
Date of Decision:-17.9.2019

Ajit Singh @ Jipu

... Petitioner

Versus

State of U.T., Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.B. Sidhu, Advocate for the petitioner.

Mr. J.S. Toor, Addl. P.P., U.T., Chandigarh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking his premature release having undergone a sentence of more than 19 years.
2. The petitioner faced trial in respect of FIR No.181 dated 16.5.2001 registered at Police Station City Sector-11, Chandigarh, District U.T., Chandigarh and was found guilty vide judgment dated 14.7.2006 passed by learned Additional Sessions Judge, Chandigarh for having committed offences punishable under Sections 302 and 307 read with Section 149 of Indian Penal Code and was sentenced to undergo imprisonment as follows:-

Name of the Convict	Offence Under Section	Imprisonment	Fine	In default of payment of fine
Ajit Singh @ Jipu	302 IPC read with Section 149 IPC	Imprisonment for Life	₹2,000/-	Six months
	307 IPC read with Section 149 IPC	Rigorous Imprisonment for Three Years	₹500/-	Three months

3. The learned counsel for the petitioner has submitted that the petitioner in terms of Section 431 of Punjab Jail Manual (as applicable to U.T., Chandigarh) is entitled to be released having completed more than 18 years of actual sentence.
4. The learned State counsel has today filed custody certificate, which shows that as on date the petitioner has undergone an actual sentence of 18 years and 4 months and a total sentence of 25 years, 2 months and 14 days including remission to the tune of 7 years, 1 month and 8 days.
5. A convict, in terms of Section 431 of Punjab Jail Manual, is entitled to be considered for his premature release although it cannot be said that he would have any vested right for his release on account of earned remissions. The petition, as such, is disposed of with a direction to respondents No.1 and 2 to consider the case of the petitioner for his premature release in accordance with the settled principles and the policy as applicable. Needless to mention, while considering the case of the petitioner, the respondents would seek requisite reports from the authorities concerned as regards the conduct and antecedents of the petitioner. The respondents shall consider the case of the petitioner within a period of three months from the day a formal application is submitted by the petitioner in this regard.

17.9.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No