

*CWP-23189-2018 and
CWP-23190-2018*

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP-23189-2018
Date of Decision:-21.05.2019.

Rajiv alias Raja

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(2.)

CWP-23190-2018

Tripta Devi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Nandan Jindal, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J.

This common order shall dispose of the above two petitions as the point in issue involved in both the petitions is identical. However, for brevity, facts are being extracted from CWP-23189-2018.

Petitioner has filed this petition under Article 226 of the

Constitution of India for issuance of appropriate writ, order or direction holding that he has become entitled to be released forthwith and that his further detention is violative of Articles 14, 19 and 21 of the Constitution of India and he deserves to be released on usual terms and conditions of the policy dated 08.07.1991 (Annexure P-2).

Petitioner was convicted by the learned Additional Sessions Judge, Ludhiana and sentenced for life imprisonment and to pay a fine of Rs.16,000/- and in default of payment of fine further to undergo simple imprisonment for 1 year and 5 months vide judgment dated 22.01.2011 in case FIR No.133 dated 12.05.2006 under Sections 364, 302, 380, 381, 404 and 34 IPC, registered at Police Station, Division No.5, District Ludhiana.

The appeal filed by the petitioner Rajiv @ Raja vide CRA-D-445-DB of 2011 was dismissed by this Court on 26.02.2015.

Learned counsel for the petitioner submitted that petitioner is continuously confined behind the bars and had already undergone more than 10 years of actual sentence and after including remissions, he had already undergone more than 14 years. The case of the petitioner is covered under category B of the Policy dated 08.07.1991 (Annexure P-2) as per which he is required to undergo 10 years of actual sentence and 14 years sentence with remission.

As per custody certificate, petitioner Rajiv @ Raja has undergone 10 years, 09 months and 15 days actual sentence and 12 years and 01 day total sentence including remissions up to 07.11.2017.

Keeping in view the peculiar facts and circumstances of the case, State is directed to re-consider the matter for premature release of petitioner Rajiv @ Raja as per policy dated 08.07.1991 (Annexure P-2) and

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pass a speaking order within 60 days from today.

Disposed of.

(RAJ SHEKHAR ATTRI)
JUDGE

May 21, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.