

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

CWP-23793-2018 (O&M)
Date of Decision:-27.9.2019

Shinder Singh ... Petitioner

Versus

Union of India and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- None for the petitioner.

Mr. Aditya Sandhi, Advocate for Union of India.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking issuance of a direction to respondent No.4-Superintendent, Central Jail, Bathinda to forward the case of the convict Shinder Singh (petitioner) to Commanding Officer, 10 Sikh Bn., C/o 56 APO-respondent No.3 for further putting up the case before the competent authority to consider his case for pre-mature release.

The petitioner stands convicted vide judgment dated 10.6.1998 passed in Summary General Court Martial (SGCM) for having murdered Naib Subedar Manjit Singh and Havaladar Hardial Singh of his unit. He was sentenced to undergo rigorous imprisonment for life.

The learned counsel representing the Union of India has, however, opposed the petition while submitting that since it is a case where the petitioner had brutally murdered two of his senior colleagues with the help of an 'axe', he does not deserve any leniency in the matter.

A perusal of order dated 20.2.2017 (Annexure P-2) shows that the case of the petitioner for pre-mature release had been considered by Chief of Army staff but was rejected. It is now more than 2 years and 7 months since the aforesaid rejection of the case of the petitioner for pre-mature release. The petitioner, as of now, has undergone an actual sentence of imprisonment of about 16 years and a total of about 22 years.

This Court is of the opinion that in view of the aforesaid efflux of time ever since the rejection of the case of the petitioner for pre-mature release in the year 2017, his case may be considered afresh by the authorities concerned. Respondent No.4-Superintendent, Central Jail, Bathinda, as such, is directed to process the case of the petitioner for pre-mature release and put up the same before the authorities concerned, so that the same may be considered afresh.

The Army Authorities shall do the needful for processing the case of the petitioner and for taking a final decision in the matter preferably within a period of 3 months from receipt of the case of the petitioner from the Superintendent, Central Jail, Bathinda.

A copy of this order be sent to respondent No.4-Superintendent, Central Jail, Bathinda.

Since the petitioner stands convicted by Summary General Court Martial (SGCM), his case is required to be considered for pre-mature

release in terms of Section 179 of Army Act, 1950. The needful shall be done by the authorities concerned.

The petition stands disposed of accordingly.

27.9.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No