

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-29795-2018 (O&M)
Date of Decision:-16.05.2019.

Ram Chander Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. S.S. Rana, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.

Petitioner has filed this petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of certiorari or any other appropriate writ, order or direction, for quashing the order dated 24.04.2018 (Annexure P-2) being illegal, arbitrary, discriminatory and against the law and further for issuance of a writ in the nature of mandamus directing the respondents to release him forthwith prematurely on usual terms and conditions as per Govt. Instructions dated 08.07.1991 (Annexure P-1).

Petitioner is undergoing life imprisonment in Central Jail Gurdaspur in Case FIR No.116 dated 21.07.1993 under Section 302 IPC, registered at Police Station Ghanie Ke Bhangar convicted by the learned Sessions Judge, Gurdaspur on 04.10.1996 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 2 years. The petitioner had filed appeal vide CRA No.533-DB-1996 which was dismissed by this Court.

It has been submitted that the petitioner has been acquitted in all the 4 cases, however, his claim was declined only on the ground that 4 cases have been registered against him.

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 1 (1) (c) of the Policy dated 08.07.1991 (Annexure P-1).

As per the custody certificate (Annexure R-3), petitioner has already undergone actual sentence of 11 years, 03 months and 21 days; and 19 years, 03 months and 21 days (including remission) up to 02.01.2019.

In this view of the matter, the impugned order dated 24.04.2018 (Annexure P-2) is unsustainable in the eyes of law and is accordingly, set aside. 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) 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.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.