

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6508-2018

Date of Decision:-15.05.2019.

Atma Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. D.N. Ganeriwala, Advocate for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

RAJ SHEKHAR ATTRI, J.

Present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India seeking the writ of certiorari for quashing the order dated 03.04.2017 (Annexure P-2) and further directing the respondents to release the petitioner, in accordance with the Haryana Pre-mature Policy Govt. Instructions relevant Para 2 (b) of Annexure P-1.

Custody certificate dated 07.05.2019 filed by learned State counsel today in Court is taken on record.

Heard.

It is not disputed that Policy (Annexure P-1) which is dated 12.04.2002 was in force as on the date of conviction of the petitioner i.e. on 19.08.2002. As per Policy (Annexure P-1), petitioner has to undergo 10 years of actual sentence and 14 years of total sentence including remissions.

As per the custody certificate dated 07.05.2019, petitioner has undergone 11 years, 08 months and 19 days as actual sentence and 17 years, 04 months and 09 days of total sentence including remissions as on 07.05.2019. Thus, case of the petitioner is covered under Para 2(b) of the Policy (Annexure P-1).

Accordingly, the present petition is disposed of with a direction to the State to reconsider the case of the petitioner for his pre-mature release in view of the Policy dated 12.04.2002 (Annexure P-1) as well as the reply submitted before the Court within a period of 90 days from the date of receipt of certified copy of this order.

However, 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.

(RAJ SHEKHAR ATTRI)
JUDGE

May 15, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.