

JAGJIT SINGH @ JAGGI

... Petitioner.

Versus

STATE OF PUNJAB AND OTHERS

... Respondents.

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent: Mr. Nandan Jindal, Advocate
for the petitioner.

Ms. Jaspreet Kaur, Asstt. AG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

Learned counsel for the petitioner while relying upon the policy of 1991 (Annexure R-3) and policy of 2008 with regard to the pre-mature release of convicts has placed reliance on *State of Haryana Vs. Jagdish 2010 (4) SCC 216*, wherein the Supreme Court, after deliberating upon the pre-mature release of convicts, held that the policy which was in existence on the date of conviction would have to be considered with respect to a convict's pre-mature release or in the alternative, the policy which would be favourable to the convicts. Affidavit which has been submitted by the State on the contrary, has declined to consider the case of the petitioner for pre-mature release under the policy of 14.09.2017 (Annexure R-3). It has, thus, been submitted that the said policy of 2017 cannot be taken into consideration while declining the pre-mature release to the petitioner, as the said policy was not in existence on the date of his conviction. It has further been urged that the State has erred in excluding the period of parole from

the total sentence.

Learned counsel for the petitioner submits that he would be satisfied, if a direction is issued to the State to consider the case of the petitioner for pre-mature release as per the ratio in Jagdish's case (supra).

In view of the prayer made by learned counsel for the petitioner, the present petition is disposed off without commenting upon the merits of the case, with a direction to the respondent/State to consider the case of the petitioner for the pre-mature release in the light of Jagdish's case (supra) and pass a speaking order.

(MANJARI NEHRU KAUL)
JUDGE

February 06, 2020

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*