

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(227)

CRWP-283-2020 (O&M)

Date of decision:- 05.10.2021

Kewal Krishan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rahul Deswal, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

CRM-W-1066-2021

For the reasons given in the application, it is allowed.

Judgment dated 17.08.2021 is taken on record as Annexure P-16,
subject to all just exceptions.

CRWP-283-2020

Instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 06.11.2019, Annexure P-11.

Counsel for the petitioner submits that the petitioner has been convicted and sentenced for four years in FIR No.375 dated 09.10.2007 registered for offence under Sections 148, 307, 323, 325, 506 and 149 of the Indian Penal Code, 1860 at Police Station Pehowa, District Kurukshetra and

appeal filed by the petitioner has been dismissed vide judgment dated 28.08.2015, Annexure P-1, passed in CRA-2666-SB-2011. He submits that the petitioner is involved in two other cases and vide order dated 31.12.2016, he has been acquitted in FIR No.68 of 2013, which was registered against him under Section 498-A, IPC at Police Station Nahan (H.P.) and insofar as the second case bearing FIR No.263 dated 10.04.2015 registered for offence under Sections 406, 420, 463, 467, 468, 471, 506 and 120-B, IPC, at Police Station City Thanesar, District Kurukshetra is concerned, vide judgment dated 17.08.2021, Annexure P-16, passed in CRM-M-17766-2019, the said FIR has been quashed on the basis of a compromise between the parties. Counsel urges that vide impugned order dated 06.11.2019, Annexure P-11, the case of the petitioner for premature release has been rejected on the ground that he is involved in two other cases, but as an FIR has been quashed vide judgment, Annexure P-16, after the passing of the impugned order and both the criminal cases have concluded, the impugned order cannot be sustained.

State counsel has opposed the petition on the ground that the conduct of the petitioner is not good as the petitioner was involved in other criminal cases, his request for premature release has been considered under the guidelines of the Government of India dated 27.07.2018 and rejected vide the impugned order.

I have considered the respective submission of the counsel for the parties.

From the material available on the record, it is apparent that both the cases in which the petitioner is involved and which formed the basis of the rejection of the request of premature release, are no longer pending. The Court, therefore, is of the view that the matter requires re-consideration at the hands of the authorities and the impugned order deserves to be set aside.

Petition is accordingly allowed.

Impugned order dated 06.11.2019, Annexure P-11, is set aside and respondent No.1 is directed to re-consider the case of the petitioner for premature release and pass a fresh order within a period of four weeks from the date of receipt of certified copy of this order.

05.10.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No