

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

251

CRWP-408-2020 (O&M)

Date of decision: 06.12.2021

JASBIR SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. CS Rana, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks issuance of writ in the nature of mandamus, directing the respondents to release the petitioner pre-maturely, on the basis of Government Policy dated 08.07.1991.

Learned counsel for the petitioner submits that vide judgment of conviction and order of sentence dated 12.08.2008, passed by learned Sessions Judge, Ferozepur, the petitioner was convicted for an offence under Section 302 IPC and sentenced to undergo life imprisonment. He further submits that the petitioner has already undergone an actual sentence of more than 12 years.

Learned State counsel submits that the petitioner's case for pre-mature release was sent to the Office of Deputy Commissioner, Ferozepur, for verification of his antecedents. In reply thereto, the Home Department (Jails), Government of Punjab, (Home-7 Branch), vide letter/memo No.1/42/19-3G7/1553731/1 dated Chd. 20.08.2019 returned

the case of the petitioner, on the ground that during the period the petitioner was on parole, another FIR No.31 dated 22.04.2017, under Section 21 of the NDPS Act, Police Station Mamdot, was registered against him.

At this stage, learned counsel for the petitioner restricts his argument to the issuance of directions to the official respondents for reconsideration of the petitioner's case, for pre-mature release, in view of the aforesaid policy. He further submits that though the aforesaid FIR was registered against the petitioner during his parole, yet the fact remains that the petitioner was acquitted by the learned trial Court vide judgment dated 10.04.2019 in the said case.

I have heard the learned counsel for the parties.

Keeping in view the limited relief sought for above, the present petition is disposed of with a direction to the Home Department (Jails), Government of Punjab, (Home-7 Branch), to reconsider the petitioner's case for pre-mature release, in view of the Government Pre-Mature Policy dated 08.07.1991 and decide the same within one month from the date of receipt of the copy of this order.

06.12.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No