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

CRWP-8731-2021

Date of decision : 15.09.2021

Surjit Singh @ Raju

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. L.M. Gulati, Advocate and
Ms. Jasneet Mehra, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India for issuance of appropriate writ order or direction holding that petitioner has become entitled to be released as per policy dated 08.07.1991 (Annexure P-2). With a further prayer for issuance of directions to the respondent-State to decide the case of the petitioner for pre-mature release by passing a speaking order within a specified time.

Learned counsel for the petitioner has submitted that the petitioner was convicted by the Additional Sessions Judge, Amritsar on 25.11.2008 in FIR No.33 dated 22.04.2006 under Sections 302 and 396 of Indian Penal Code, 1860 at Police Station Kotwali, District Amritsar and is undergoing life imprisonment. It is further submitted that the petitioner has

undergone more than 12 years and 6 months of actual sentence and his total sentence including remission is more than 18 years. A criminal appeal filed by the petitioner has already been dismissed vide order dated 17.10.2012 by this Court. It is further submitted that as per the petitioner, his case is covered by the policy dated 08.07.1991 (Annexure P-2) under Clause-B of the Chart. It is submitted that the authorities are in fact seeing the eligibility of the petitioner under the subsequent policy whereas the relevant policy would be the policy dated 08.07.1991 as per the judgment of Hon'ble the Supreme Court in **State of Haryana Vs. Jagdish 2010(3) JT 341**.

Learned counsel for the petitioner has submitted that the petitioner would be satisfied at this stage in case the respondent authorities are directed to take a final decision with respect to the aspect of pre-mature release by passing a speaking order within a specified time frame.

Notice of motion.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of the respondents and states that the averments made in the present Criminal Writ Petition will require to be verified and the case of the petitioner will have to be considered in accordance with law. However, he has no objection in case, the case of the petitioner is considered by the competent authority within some reasonable time.

Keeping in view the abovesaid facts and circumstances and without commenting upon the merits of the case and without going into the question as to whether the petitioner is actually entitled to pre-mature release or not, this Court deems it appropriate to dispose of the present

Criminal Writ Petition with direction to the competent authority to treat the present petition as representation and decide the same as expeditiously as possible within a period of two months from the date of receipt of certified copy of the order.

It is again clarified that nothing stated above shall be construed as an expression of opinion on the merits of the case.

15.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No