

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-10836-2021

Date of decision : 18.11.2021

Hari Krishan

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Akshay Rana, Advocate
for the petitioner.

Mr.Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the Criminal Writ Petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing the respondents to consider the case of the petitioner for grant of premature release in terms of the Policy dated 08.07.1991 (Annexure P-1) which is stated to be pending before the concerned authorities since 05.01.2021, with a further prayer to release the petitioner prematurely.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was convicted and sentenced to undergo life imprisonment by the Sessions Judge, Patiala, on 30.09.2021 in FIR no.393 dated 21.07.2000 registered under Sections 302, 120-B, 34 IPC at Police Station Kotwali Patiala and the appeal against the said order was dismissed by this Hon'ble Court on 11.03.2015. It is submitted that the petitioner has already undergone more than 12 years of actual sentence of imprisonment

and with remissions, more than 20 years sentence and thus, as per the petitioner, his case is covered under the Policy dated 08.07.1991 (Annexure P-1). It is further submitted that the case of the petitioner, being one of premature release, was initiated by the competent authority vide dispatch letter no.47 dated 05.01.2021 and although, more than 10 months have elapsed since then the respondents have not considered his case so far. It is further submitted that the petitioner is 69 years of age.

Notice of motion.

On advance notice, Mr.Karanbir Singh, AAG, Punjab, appears and accepts notice and is fully prepare to argue the case. He has submitted that final decision shall be taken by the competent authority in accordance with law, expeditiously and at any rate, within a period of 2 months from the date of receipt of certified copy of the present order.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.2 to take a final decision with respect to grant of premature release to the petitioner which has been initiated by the competent authority vide dispatch letter no.47 dated 05.01.2021 in accordance with law, as expeditiously as possible, and at any rate within a period of two months from the date of certified copy of the present order.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

November 18, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No