

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-11994-2021

Date of decision : 21.12.2021

Harpal Singh @ Chhota

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr.Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Article 226 of the Constitution of India, praying for issuance of an appropriate order or directions, directing the respondents to release the petitioner prematurely in accordance with the instructions of the government dated 08.07.1991 (Annexure P-1) and also keeping in view the order dated 01.02.2018 (Annexure P-2).

Learned counsel for the petitioner has submitted that the petitioner along with other co-accused was convicted under Sections 364-A, 395, 471 and 120-B IPC and under Section 25 of the Arms Act in FIR no.10 dated 11.01.2008 and was sentenced to undergo rigorous imprisonment for life by the trial Court vide judgment dated 04.08.2011 and the appeal filed by the petitioner was dismissed by a Division Bench of this Court vide judgment dated 21.04.2014 and further appeal was dismissed by the Hon'ble Apex Court vide judgment dated 21.11.2016. It is further submitted that the

petitioner has already undergone more than 11 years and 6 months of actual sentence and his total sentence including remission is more than 14 years and 5 months and his conduct has also been good and satisfactory and he has not committed any offence whilst in jail and thus, as per the learned counsel for the petitioner, his case is covered by instructions dated 08.07.1991 moreso, paragraph 1.1 (E) of the said instructions. It is further argued that the petitioner had earlier applied for premature release and vide order dated 01.02.2018, the Additional Director General of Police (Jails), Punjab, had rejected the premature release on the ground that the petitioner had to undergone 8½ years of actual sentence and sentence with remission of 14 years. It is further submitted that now the requisite period has been completed by the petitioner and thus, the petitioner prays that respondent no.1 may treat the present petition as an application for premature release and take final decision regarding the same by passing a speaking order within a period of two months from the date of receipt of copy of this order.

Notice of motion.

On advance notice, Mr. Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondents and has submitted that he is fully prepare to argue the matter and assist this Court. He has submitted that the question as to whether the petitioner is entitled or not would be decided after taking necessary reports from necessary quarters and every endeavour would be made to decide the same within a period of two months.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.1 to consider the present petition as a representation for premature release and

after considering the same, to pass a speaking order with respect to premature release of the petitioner in accordance with law, within a period of two months from the date of receipt of certified copy of the present order.

(VIKAS BAHL)
JUDGE

December 21, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No