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

CRWP-643-2022

Date of decision : 02.02.2022

Ajit Singh @ Jipu

...Petitioner

Versus

State of U.T. Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Hoshiar Singh Jaswal, Advocate for the petitioner.

Mr. J.S. Toor, Addl. PP UT Chandigarh.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India praying for issuance of an appropriate and necessary directions to the respondents to consider the case of the petitioner for premature release, which as per the case of the petitioner, is covered by the Policy/Instructions dated 08.07.1991 of the Punjab Government applicable to Chandigarh (Annexure P-2).

Learned counsel for the petitioner has submitted that the petitioner alongwith other persons were involved in FIR No.181 dated 16.05.2001 for the commission of offences punishable under Sections 302, 307, 147, 148, 149 of the Indian Penal Code, 1860 registered at Police

Station Sector-11, UT Chandigarh and that the petitioner was convicted in the said case vide judgment and order of sentence dated 14.07.2006/15.07.2006 respectively and the appeal filed by the petitioner was also dismissed by a Division Bench of this Court vide judgment dated 14.11.2013. It is the case of the petitioner that his case for premature release is covered by the Policy/Instructions dated 08.07.1991 inasmuch as per his version, he has already undergone more than 20 years of actual sentence and imprisonment and more than 28 years including remission.

It is submitted by the learned counsel for the petitioner that in spite of repeated requests, the case of the petitioner has not been considered by the respondents till date. It is further submitted that the petitioner would be satisfied at this stage, in case, the respondents are directed to consider the case of the petitioner for premature release by considering the present petition as representation and to take appropriate decision on the same, in a time bound manner.

Notice of motion.

On advance notice, Mr. J.S. Toor, Addl. PP UT Chandigarh, appears and accepts notice on behalf of the State and has submitted that the entire process of consideration would take at least two months for completion and has further submitted that the official respondents would consider the case of the petitioner in accordance with law and take a final decision with respect to premature release of the petitioner within a period of three months from the date of receipt of certified copy of the present order.

Keeping in view the abovesaid facts and circumstances, the

present Criminal Writ Petition is disposed of with a direction to the official respondents to treat the present Criminal Writ Petition as a representation and to consider the case of the petitioner for premature release on the basis of the averments made in the said petition, within a period of three months from the date of receipt of certified copy of the present order alongwith copy of the petition which would be duly supplied by the petitioner to the official respondents.

Disposed of, in the abovesaid terms.

02.02.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No