

In the High Court of Punjab and Haryana at Chandigarh

CRWP No. 1637 of 2022
Date of Decision: 10.5.2022

Sarmail Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. S.S.Rana, Advocate and
Mr. Arvind Kumar Sharma, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner became convicted for a charge drawn against him under Sections 302, 120-B IPC, and, Sections 25/27 of the Arms Act, and, consequent therewith he became sentenced for life. The appeal against the afore made verdict of conviction, and, consequent therewith sentence, is pending before this Court.

2. The learned counsel for the petitioner contends, that in terms of a Government policy, as carried in Annexure P-1, the petitioner has spent the requisite period in prison, and, therefore, his claim for premature release, as is contained in Annexure P-2, is required to be allowed, by the official respondents concerned.

3. However, the afore plea may be merit-worthy, only if a disaffirmative decision was made on Annexure P-2, and, if after analyzing its soundness in law, this Court deeming it fit to either uphold it or to annul it.

Obviously, when no decision has been yet made on Annexure P-2, thereupon,

the prayer of the petitioner for premature release, is liable to be rejected, but with a direction to the official respondents concerned, to within three weeks from today, make a speaking decision, upon Annexure P-2, and, if the petitioner is yet aggrieved, he is at liberty to re-access this Court.

4. The petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

May 10, 2022
Gurpreet

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