

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CRWP-1579-2022

Date of Decision:23.02.2022

Balram @ Jony

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Sanjeev Manhas, Advocate, for the petitioner.

Ms. A.K. Khurana, D.A.G., Punjab.

VINOD S. BHARDWAJ , J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of direction to the respondents to consider and decide the premature release case of the petitioner in the light of Punjab Govt. Instructions/Policy dated 08.07.1991(Annexure P-1) as amended from time to time as also the Punjab Govt. Premature Instructions/Policy dated 23.10.2001(Annexure P-2) pertaining to the Open Air Agriculture Jail, Nabha.

Learned counsel for the petitioner contends that he is eligible in terms of the applicable policies for being considered for premature release.

However, his case has not been considered by the competent authority.

Learned counsel further urges that a representation dated

08.02.2022(Annexure P-4) has already been submitted by the petitioner and that he would be satisfied in case the respondents are directed to take a decision on the representation as well as the entitlement of the petitioner for seeking premature release in terms of the applicable policies in a time bound manner.

Notice of motion.

At this stage, Ms. A.K. Khurana, D.A.G., Punjab appears and accepts notice on behalf of the respondents.

Learned counsel for the petitioner is directed to furnish a copy of the petition to the learned State Counsel during the course of the day.

Considering the order which is proposed to be passed, formal reply of the State would not be necessary.

Heard learned counsel for the parties.

In view of the request made by learned counsel for the petitioner that he would be satisfied in the event State of Punjab is directed to decide the representation dated 08.02.2022(Annexure P-4) appended with the petition, I deem it fit and appropriate to dispose of the instant petition with a direction to the respondent-State to take a conscious decision on the representation dated 08.02.2022(Annexure P-4) and in terms of passing a speaking order within a period of two months from the date of receipt of certified copy of this order.

Criminal writ petition is disposed of.

February 23, 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No