

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(140)

CRWP-4069-2022
Date of decision: - 02.05.2022

Sushil Kumar @ Lucky

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. J.S. Bains, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition under Article 226 of the Constitution of India for directing the respondent to grant premature release to the petitioner undergoing life imprisonment at Central Jail Amritsar after his conviction in case FIR No.23 dated 04.03.2003 under Sections 302 and 309 IPC, registered at Police Station Division No.5, Jalandhar, in terms of policy of the Punjab Government dated 08.07.1991 (Annexure P-1). It is also prayed that the present petition be treated as a representation/application from the convict (petitioner herein) for granting him concession of premature release and the case be initiated and considered within a time bound manner.

Learned counsel for the petitioner has submitted that the

petitioner was accused in the above-said FIR and was convicted on 13.04.2007 by learned Additional Sessions Judge, Jalandhar and his appeal was dismissed by the Division Bench of this Court, vide judgment dated 30.05.2008 and even the SLP was dismissed on 01.09.2009. It is submitted that the petitioner completed more than 17 years of actual imprisonment and has earned remission of more than 3 years and thus, he has completed the requisite period of 20 years and the premature release case of the petitioner is covered by the Punjab Government Policy dated 08.07.1991. It is further submitted that the petitioner would be satisfied in case the present petition is disposed of with a direction to the official respondents to initiate and consider his case for premature release in accordance with law.

Notice of motion to the respondents.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the respondents and has fully prepared in the matter and has stated that in case, the premature release case of the petitioner is covered as per the relevant policy, the same would be considered in accordance with law within a period of three months from today.

Keeping in view the above-said facts and circumstances, the present petition is disposed of with a direction to the official respondents to treat the present petition as a representation/application on behalf of the petitioner with a prayer for premature release and after considering the averments made in the petition, to take final decision with respect to the premature release of the petitioner in accordance with law, as

expeditiously as possible, preferably, within a period of three months from the date of receipt of certified copy of this order.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the respondents would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present petition.

May 02, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No