

126

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

CRWP-3962-2022 (O&M)

Date of decision : 29.04.2022

Mandeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Dr. Bandana Trikha Sachdev, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India read with Rules 3 & 7 of the Rules & Orders of the Punjab & Haryana High Court Volume Chapter IV, Part F, praying that premature release case of the petitioner, as per the policy dated 08.08.2011 (Annexure P-2), be finally decided within a short period.

Learned counsel for the petitioner has submitted that the petitioner was convicted for the offence under Sections 302 and 120-B of the Indian Penal Code, 1860 vide judgment dated 15.01.2011 arising out of FIR No.16 dated 01.02.2006 and was sentenced to undergo rigorous imprisonment for life alongwith fine and thereafter, the petitioner had assailed the abovesaid judgment by filing an appeal and the Division Bench had dismissed the same on 24.10.2011. It is further submitted that the petitioner's case meets the necessary conditions to be considered under the said policy dated 08.08.2011. It is contended that the premature release case of the petitioner is covered by the said policy but the consideration of the same has not been initiated as yet.

Learned counsel for the petitioner has further submitted that the petitioner would be satisfied at this stage, in case respondent No.3 is directed to consider the contents of the present petition and treat the same as representation and take a final decision with respect to case of the petitioner for premature release, in accordance with law.

Notice of motion.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that in case, the case of the petitioner has already not been decided, then the final decision would be taken 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, moreso, the facts that the premature release case of the petitioner is covered by the said policy dated 08.08.2011 (Annexure P-2), the present Criminal Writ Petition is disposed of with direction to respondent No.3 to consider the present petition as a representation and after considering the averments made in the same, to take a final decision with respect to the premature release case of the petitioner within a period of three months from the date of receipt of certified copy of the present order in accordance with law.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid order.

29.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No