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

CRWP-4311-2022

Date of decision : 09.05.2022

Hardip Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mrs. Bhupinder Pal Kaur Brar, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India for issuance of directions to the respondents to consider and decide the premature release case of the petitioner which is stated to be pending with the respondents since 08.05.2020.

Learned counsel for the petitioner has submitted that the petitioner was arrested in connection with case FIR No.73 dated 21.07.1999 registered under Sections 302/34 of the Indian Penal Code, 1860 at Police Station Bassi Pathana, District Sri Fatehgarh Sahib and the petitioner was convicted and sentenced to undergo life imprisonment by

the Sessions Judge, Sri Fatehgarh Sahib and the appeal filed by the petitioner was also dismissed on 04.10.2011 and as per the petitioner, the petitioner has already undergone more than 10 years of actual sentence and the sentence including remission is more than 16 years. It is further stated that the case of the petitioner for premature release was initiated and the same was sent to the District Magistrate, Sri Fatehgarh Sahib and the Director General of Police, Jail Department, Punjab, Chandigarh, vide letter No.7763 dated 08.05.2020. It is further stated that the case of the petitioner is covered by the Punjab Government Policy dated 08.07.1991 (Annexure P-1).

Learned counsel for the petitioner has submitted that the petitioner would be satisfied in case, the present Criminal Writ Petition is disposed of with directions to the official respondents to finally decide the case of the petitioner for premature release within a period of two months from the date of receipt of certified copy of the present order.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has further submitted that final decision with respect to the premature release case of the petitioner would be taken by the competent authority after considering all the facts and circumstances in accordance with law within a period of two 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 directions to the official respondents to take a final decision with respect to the premature release case of the petitioner, which is stated to have been forwarded vide letter No.7763 dated 08.05.2020 to the District Magistrate, Sri Fatehgarh Sahib and the Director General of Police, Jail Department, Punjab, Chandigarh, within a period of two months from the date of receipt of certified copy of the present order.

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

09.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No