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

CRM-W-570-2022 in/and
CRWP-1270-2019 (O&M)
Date of decision : 19.05.2022

Shailender Kadian

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

CRM-W-570-2022

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case from 20.07.2022 to an early date.

Learned counsel for the applicant-petitioner has submitted that the applicant-petitioner has filed the main case for premature release which has been rejected but subsequent to the said rejection order, there has been further development in the matter and the respondents-authorities have initiated the case of the petitioner and sought report from the District Magistrate, Rohtak vide letter dated 11.04.2022 (Annexure P-14).

Notice in the application.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and has submitted that he has no objection in case the present application is allowed and the date of hearing in the main case is preponed from 20.07.2022 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 20.07.2022 to today and the same is taken on Board today itself for final disposal.

Main case

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of certiorari for setting aside the order dated 14.11.2019 (Annexure P-7) passed by respondent No.1, whereby the case of the petitioner for pre-mature release has been rejected.

Learned counsel for the petitioner has submitted that subsequent to the passing of the order dated 14.11.2019 (Annexure P-7), the respondents-authorities have initiated the premature release case of the petitioner and sought report from the District Magistrate, Rohtak vide letter dated 11.04.2022 (Annexure P-14).

Learned counsel for the petitioner has submitted that the petitioner would be satisfied in case, the respondents are directed to decide the premature release case of the petitioner which has been initiated within a

period of two months from the date of receipt of certified copy of the present order.

Learned State Counsel has submitted that in case, the premature release case of the petitioner has been forwarded, then the same would be decided within a period of two months from the date of receipt 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 initiated vide letter dated 11.04.2022 (Annexure P-14) within a period of two months from the date of receipt of the present order.

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.

19.05.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No