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2023:PHHC:116755

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-1622-2020

Date of decision: 5th September, 2023

Gurdeep Kumar @ Ninder

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjeev Manhas, Advocate for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. The present petition has been filed for quashing of order dated 22nd November, 2018 rejecting the prayer for premature release.

2. Petitioner was convicted in case of FIR No. 142, dated 28th August, 2002, under Sections 302/307/396/148/149 of IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Garhshankar, District Hoshiarpur and sentenced to undergo rigorous imprisonment for life and to pay a fine of ₹2000/- and default of payment of fine further undergo rigorous imprisonment for one month. The appeal of the petitioner was dismissed by this Court. Petitioner moved an application for pre-mature release as per the policy of the State. The prayer was rejected, hence the present petition.

3. Learned counsel for the petitioner submits that the co-accused have been prematurely released.

4. Learned State counsel relies upon the pleadings of the reply dated 9th May, 2019, wherein it is stated that case of the petitioner would be considered after one year from the date of rejection of the pre-mature

5. The prayer for pre-mature release was rejected on 22nd November, 2018. As per the reply filed, the case was to be considered after one year.

6. The present petition is disposed of at this stage, to consider the case of the petitioner for pre-mature release as per pleading in the reply.

7. There is no doubt that the case shall be considered in accordance with law without being influenced by the observations made in the impugned order. Considering that the petitioner was on interim bail and his case has not been considered after 2018, it is desirable that his case of pre-mature release be considered within three months from today. Interim bail granted to the petitioner during the pendency of this petition shall continue for next three months.

8. Since the main case has been disposed of, pending application if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

5th September, 2023

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No