

Date of decision: 16.01.2024

...PETITIONER

V/S

...RESPONDENTS

Present: Mr. Rajpreet Singh Brar, Advocate
for the petitioner.

Mr. DigvijayNagpal, AAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

The prayer in the present petition filed under Article 226 of the Constitution of India for issuance of directions to the respondents to grant the benefit of ordinary remission for good work/good conduct as per the Paras 568 and 570 of the Punjab Jail Manual.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was convicted and sentenced to undergo rigorous imprisonment for life by learned Sessions Judge, Amritsar vide judgment of conviction dated 12.11.2012 in case FIR No.04 dated 02.01.2006 registered under Sections 302/34 of Indian Penal Code at Police Station Kathunangal, District Amritsar. In appeal filed by the petitioner bearing No.CRA-D-196-DB of 2008 against his conviction, this Court vide order dated 25.01.2019 has modified the sentence of the petitioner from life imprisonment to 10 years without remission. Learned counsel further contends that the petitioner has maintained good conduct and behaviour inside the jail and the petitioner is continuously working as Night Watchman (CMW). As such, in view of the provisions

contained in Paras 568 and 570 of the Punjab Jail Manual, ordinary remissions are required to be extended to the petitioner, on account of his good conduct.

Para 570 of the Punjab Jail Manual is reproduced hereunder:

*“570. Remission awarded to convict officers. –
In lieu of the remission allowed under paragraph 568
convict warder shall receive eight days ordinary remission
per month, convict overseers six days per month and
convict night watchmen five days per month.”*

3. The petitioner has already made a representation dated 20.12.2002 (Annexure P-2) to jail authorities to grant ordinary remissions in view of his good conduct in the jail.

4. Per contra, learned State counsel opposes the prayer made by the petitioner on the ground that this Court has modified the sentence of the petitioner from life imprisonment to rigorous imprisonment for 10 years without remission. As such, the petitioner is not entitled to any remission.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, the remission granted by the Government to a convict undergoing his sentence is not covered under the ordinary remission as provided under Paras 568 and 570 of the Punjab Jail Manual. The Government grants the remissions annually on the basis of the actual undergone period after conviction. As such, this Court finds force in the arguments advanced by learned counsel for the petitioner that the ordinary remission are awarded on account of good conduct to those convicts who perform the duty of overseer and Night Watchman in terms of para 570 of the Punjab Jail Manual.

6. In view of the above, present petition is disposed of with a direction to official respondents to consider the case of the petitioner for grant of ordinary remissions for good conduct. If the petitioner has performed the

duty of Night Watchman under Paras 568 and 570 of the Punjab Jail Manual within a period of 06 weeks, in case, the petitioner is found entitled to the benefit of ordinary remission, the same shall be extended forthwith.

January 16, 2024
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |