



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

CRWP-1745-2024

Date of Decision : 02.09.2024

KARAN KUMAR @ GAGGA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Nandan Jindal, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. The order dated 23.11.2023 (Annexure P-2), passed by respondent no.1, whereby, the claim of the petitioner for premature release was rejected by the competent authority, caused grievance to him, and propelled him to file the instant petition under Article 226 of the Constitution of India to lay challenge to the order (*supra*).

2. Learned counsel for the petitioner submits that the petitioner was convicted vide judgment of conviction, and order of sentence dated 05.10.2010, passed by the learned Sessions Judge, Jalandhar, in case FIR no.77, dated 14.07.2009, under Section 302 of the IPC, registered at Police Station Jalandhar Cantt. Therefore, the case of the petitioner is covered the policy adopted by the respondent-State dated 08.07.1991.

3. He further submits that, as on date, the petitioner has

undergone actual sentence of 13 years, 08 months and 28 days of sentence, and earned remission of 8 years as on today, therefore, his total sentence including remission comes out to be 21 years 8 months 28 days.

4. He over and above draws attention of this Court towards the impugned order, and submits that no reason whatsoever, has been assigned while declining the relief of premature release to the petitioner.

5. He in addition submits that the said policy was not at all considered by the competent authority concerned.

6. Learned State counsel on the other hand, tries to defend the impugned order while referring to the reply, wherein, the reason for declining the asked for relief to the petitioner, has been mentioned.

7. This Court has put a specific query to learned State counsel, as to whether, by filing the reply, the reason can be supplement to the impugned order (*supra*), which has been passed by the competent authority, to which he fairly concedes that it cannot be done.

8. This Court has also considered the impugned order, and a perusal of thereof, reflects that it has been passed without assigning any valid reason. There is no mentioning that why the case of the petitioner was not considered under the policy which was adopted by the State of Punjab, and was in vogue, at the time when he was convicted.

9. In view of the above, the impugned order (*supra*), is hereby **set aside**. The instant matter is remanded back to the competent authority concerned, for its reconsideration.

10. The entire exercise shall be carried out within a period of three months from today positively. It is expected from the competent

authority concerned, to consider the case of the present petitioner in the apt policy, and thereupon, pass a speaking order.

11. Till then the sentence of the petitioner shall remain suspended.

12. The sentence of the petitioner is suspended for a period of 3 months or till the authority concerned decides the case of the petitioner regarding pre-mature of release, whichever is earlier.

13. In case of decline of the prayer of pre-mature release of the petitioner by the competent authority concerned or expiry of 3 months period, the petitioner shall re-step into the prison on 02.12.2024.

14. **Disposed of** accordingly.

September 02, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No