

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-2876-2024
DECIDED ON: 08.07.2024

FARID ALIAS MOHD. FARID

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. H.M. Singh, Sr. Advocate with
Mr. Manav Bajaj, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

A request has been received from learned senior counsel for the petitioner to take up the matter through video conferencing mode.

Prayer is accepted.

The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India seeking direction to the respondents to release the petitioner who has served 14 years (without remission) 18 years 01 month (with remission) to serve the sentence as awarded by Additional Sessions Judge, Fast Track Court, Gurugram in Sessions case No.41 of 2008 under Section 364-A, 302, 120-B in FIR No.39/2008 dated 06.02.2008, Sector 5, Gurgaon.

Learned Senior counsel for the petitioner submits that the petitioner is entitled for release after having served 14 years without

remission and total of 18 years and 01 month including remissions after the sentence.

At this stage, he also submits that now it has been 20 years which includes the period of remission in jail and relied upon a judgment passed by Hon’ble Supreme Court in “*Laxman Naskar versus Union of India and ors.*”, (2002) 2 SCC 595.

Though, he has not made any application/representation for seeking that remedy with the competent authority to make out a case as to how he is covered under the policy dated 12.04.2002 and as a legal right for such release, he would submit that he will be satisfied in case the present petition is disposed of with a direction to respondent No.3 to forward the case of the petitioner to the competent authority after treating the instant petition as a representation inasmuch as with the present criminal writ petition and there is no representation or application placed on record for addressing his grievance and the right claimed thereunder.

Without advertng to the merits of the case, respondent No.3 is directed to consider and get the prayer of the petitioner adjudicated after considering the instant petition as a representation within a period of two weeks from the date of receipt of the certified copy of this order in accordance with law.

The order so passed shall be communicated to the petitioner within a further period of one week.

(SANDEEP MOUDGIL)
JUDGE

08.07.2024
Poonam Negi

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No