

Date of decision: 05.02.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Akshay Jindal, *Amicus Curiae*.

HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition filed under Article 226 of Constitution of India is for issuance of appropriate writ order or direction holding that petitioner has become entitled to be released forthwith and his further detention is violative of Articles 14, 19 and 21 of Constitution and that petitioner deserves to be released on usual terms and conditions of the policy dated 08.07.1991 (Annexure P-2).

Learned *amicus curiae* very fairly submits that the case of the petitioner cannot be considered as he is not eligible for pre-mature release under the policy dated 08.07.1991 (Annexure P-2). The petitioner was convicted vide judgment of conviction dated 07.07.2015, as such, his case is required to be examined in the light of the policy dated 04.04.2013 and according to clause 2(vii)(i) of the policy, the case of the petitioner falls under the heinous crime in which is required to undergo minimum actual

imprisonment of 12 years and including remission, the imprisonment is required for 18 years.

In view of the above, learned counsel for the petitioner wishes to withdraw the present petition with liberty to approach the concerned authority on completion of the requisite sentence.

Dismissed as withdrawn with the liberty aforesaid, in case, the petitioner approaches the concerned authorities, on completion of the requisite period of conviction, his case shall be considered accordingly and appropriate order be passed within 08 weeks thereof.

February 05, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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