

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-4308-2022
DECIDED ON: 30.01.2024

SHOBH NATH
.....PETITIONER

VERSUS

STATE OF UT CHD AND ORS
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. H.S. Jaswal, Advocate
for the petitioner.

Mr. J.S. Toor, APP, U.T., Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for quashing/setting aside the impugned order dated 30.06.2021 (Annexure P-4), passed by respondent No.1, whereby the premature release case of the petitioner has been declined in an illegal and arbitrary manner and further seeking directions to the respondents to re-consider the case of the petitioner afresh as he has already undergone more than the requisite sentence of imprisonment in terms of Punjab Government Policy/Instructions dated 08.07.1991 (Annexure P-2), applicable to Chandigarh also and now the petitioner has been detained illegally by the respondents.

Learned counsel for the petitioner submits that the petition filed by co-accused bearing No. CRWP-5001-2023 was disposed of on 10.01.2024 with a direction to respondent No.2 therein to consider the case of the petitioner for premature release afresh. He states that the petitioner will be satisfied in case

similar direction be issued to respondent No.1 through Secretary Department of Home, Chandigarh Administration to consider his application.

Learned counsel for the petitioner undertakes to apply afresh by moving a representation before respondent No.1.

In view of the above, the present petition is disposed of with a direction to respondent No.1 to consider and decide the fresh representation, if any, so received, within a period of four weeks from the date of receipt of the certified copy of this order.

30.01.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>