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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRWP-6396-2024**

Date of Decision: 09.07.2024

Sukhbir Lal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Rajpreet Singh Brar, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

1. The prayer in the present petition filed under Article 226 of the Constitution of India is for issuance of directions to the respondents to grant the benefit of remission for good work/good conduct as per Para Nos.568 and 570 of the Punjab Jail Manual, 1996.

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 under Sections 302/34 of IPC registered at Police Station Kathunangal, District Amritsar. In appeal filed by the petitioner bearing No.CRA-D-196-DB of 2008 against his conviction, the Division Bench of this Court vide order dated 15.01.2019 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 Convict Night Watchman (CNW). As such, in view of the provisions contained in Para Nos.568 and 570 of the Punjab Jail Manual, ordinary remissions are required to be extended to the petitioner on account of his good conduct.

3. Learned counsel for the petitioner submits that the petitioner has already given a legal notice dated 29.04.2024 (Annexure P-2) to jail authorities to grant ordinary remissions in view of his good conduct in the jail. He further submits that co-accused, namely, Kashmiri Lal has also earlier sought directions for grant of ordinary remissions from this Court in petition bearing case CRWP-774-2023 and vide order dated 16.01.2024 said petition was disposed of with a direction to the official respondents to consider his case for grant of ordinary remissions for good conduct.

4. Per contra, learned State counsel has opposed 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. 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.”

The concerned authority cannot sit over the matter but duty bound to pass speaking order promptly without delay whether petitioner is entitled for ordinary remission or not.

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 remission for good conduct in accordance with rules and to pass speaking order within six weeks from today.

09.07.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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