



CRWP-7045-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CRWP-7045-2023
Date of Decision : 12.09.2024

Charanjit Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashadveer Singh, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, filed under Article 226 of the Constitution of India, prayer is made for setting aside the impugned order dated 19.05.2023 (Annexure P-3), whereby, the claim of the petitioner, for premature release case, was rejected.
2. Vide order dated 19.05.2023 (Annexure P-3), the competent authority rejected the claim of the petitioner for premature release case, which caused grievance to the petitioner and propelled him to file the instant petition under Section 482 of Cr.P.C., seeking quashing of the order (supra) as well as passing of mandamus upon the respondents, to re-consider and decide the premature release case of the petitioner, as he has already undergone 24 years (actual sentence including remission) i.e. the more than the sentence required for consideration of premature release case.
3. Learned counsel for the respondent-State, very fairly submits that



authority, now the Department of Jails, Govt. of Punjab, has constituted a new Committee, with the approval of the Chief Minister-cum-Jails Minister, Punjab, and this Committee is required to meet atleast once in a month, and to consider all premature release cases. Photocopy of the order dated 17.07.2023, furnished by learned State counsel today in the Court. The same is taken on record. The relevant extract of the order (supra), reads as under :-

“In supersession of Government letter No. 12/133/2019-3H7/65 dated 02-02-2021, the Committee to examine all the premature release cases of life convicts has been re-constituted with the approval of Hon'ble Chief Minister-cum-Jails Minister, Punjab:-

- 1) Additional Director General of Police (Prisons), Punjab
Chairman*
- 2) Inspector General of Prisons, Punjab Member Secretary*
- 3) Deputy Inspector General of Prisons, Punjab Member*
- 4) Representative of Advocate General, Punjab Member*
- 5) Representative of Ld. L.R., Punjab Member*
- 6) Representative of Director Prosecution & Litigation,
Punjab Member*

1. The Committee will meet at least once in a month. The Committee will consider premature release case and while scrutinizing the premature release cases, the Committee shall keep in mind the below mentioned aspects:-

- a) All facts and circumstances of the cases.*
- b) Whether case covered in the latest policy or not.*
- c) The reports from field i.e. District magistrate, Senior Superintendent of Police, Jail Superintendent etc.*
- d) Whether Hon'ble High Court has issued any direction in the case?*
- e) The Case of the special remission either by the State Government or with the concurrence of Government of India (Wherever applicable), should be examined carefully*



and ensure that complete cases are to be put up to the competent authority.

f) Although the convict fulfils all the conditions regarding premature release, the Committee shall examine various aspects e.g. gravity of offence committed by the convicts, mitigating factors and special circumstances etc. for his/her premature release, chances of repeating the offence by the convicts etc.”

4. Learned State counsel further submits that in view of the above facts, and without going into the legality of this case, the case of the present petitioner can be re-considered by the Committee, now constituted vide order dated 17.07.2023.

5. In view of the above changed facts and circumstances, the competent authority is directed to re-consider the case of the present petitioner within three months from passing of this order. It is also expected that the case of the present petitioner shall be considered under the apt policy.

6. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

September 12, 2024
Manpreet

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