

287 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Harjinder Singh ...Petitioner

State of Punjab and others ...Respondents

Present: Ms. G.K. Mann, Sr. Advocate with
Mr. Gursharan Singh, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

3. State counsel opposes such prayer and refers to the following portion of the reply which reads as follows:-

Jyoti Sharma
2024.10.29 18:14
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh

(3) The period of release under the section shall not count towards the total period of the sentence of a prisoner.

In light of the above stated facts, it is abundantly clear that the Committee which was constituted for consideration of premature release case of a lifer has only given the true interpretation of the term 'actual sentence' according to settled legal position and law. The premature release policy is a set of certain guidelines, according to which the premature release case of a life convict is considered by the competent authority. The premature release policies do not give the life convicts a vested right for consideration of their premature release case. Further, the above said committee has only given the true interpretation of the term 'actual sentence'.

That the petitioner will be eligible for initiating premature release case after undergoing of 09 years 06 months of actual sentence and his case will be initiated accordingly.

That it is respectfully submitted that as far as contents regarding Punjab Government Policy dated 08/07/1991 of para 5 is concerned same are admitted as matter of record. Further the petitioner's premature release case will be initiated and considered under clause (c) of para 1.1 of Punjab Government Pre-mature Release Policy dated 08.07.1991, where in it is mentioned that a lifer become eligible for consideration of Pre-mature release case after completion of his 10 Years of actual imprisonment and 14 years actual including Remission. The petitioner has undergone 08 years, 07 months and 24 days actual sentence (excluding parole period) and with remission 16 years, 07 months and 24 days as on 21.11.2023."

4. Perusal of the petition shows that petitioner filed this petition on 10.10.2022 and period of two years have already passed during the pendency of petition, as such it would be proper if the State considers case of the petitioner afresh. Given above, the present petition is disposed of with direction to the State to decide the case of the petitioner for premature release afresh in accordance with law without being influenced by the earlier rejection within two months. All pending applications, if any also stands disposed.

(ANOOP CHITKARA)
JUDGE

21.10.2024

Jyoti Sharma

Whether speaking/reasoned : Yes

Whether reportable : No.