



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

136

CRWP-8923-2023**Date of decision: 13.05.2024****VICKY KUMAR PANDEY**

....Petitioner

Versus**STATE OF PUNJAB AND OTHERS**

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.S. Rana, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

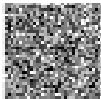
1. Petitioner who is a convict, and is undergoing rigorous imprisonment for life, has filed the instant petition, to throw challenge to the order dated 24.04.2023, whereby, his case of premature release was declined.
2. In case FIR No.07 dated 26.02.2005, the petitioner was convicted, and was sentenced to undergo rigorous imprisonment for life, and to pay a fine of Rs.10,000/-, and in default of payment of fine to further undergo rigorous imprisonment for a period of six months.
3. Learned counsel for the petitioner submits that the petitioner was convicted by the Additional Sessions Judge, Ludhiana, vide order dated 21.11.2021, therefore, his case is covered under the policy framed by the respondent-State dated 08.08.2011. Learned counsel for the petitioner further submits that earlier his case was recommended to be considered by 24.10.2020, however, on second time i.e. on 10.05.2021, the Additional Director General of Police (Jail), has not recommended his case for premature release, and only



because of that reason, the competent authority proceeded to reject his claim of premature release, vide impugned order dated 24.04.2023 (Annexure P-3). Learned counsel for the petitioner in order to lend strength to his arguments, has drawn attention of this Court to the policy dated 08.08.2011 (Annexure P-1), and as per the said policy, the petitioner is required to undergo 12 years actual sentence, and 18 years with remission, for the purpose of premature release. Learned counsel for the petitioner also relied upon the judgment passed by this Court in **Rai Kumar Vs. State of Punjab Etc. (Criminal Misc No.55534-M of 2006, decided on December 12, 2006), State of Haryana Vs. Jagdish, 2010 (2) R.C.R. (Criminal) 464 : 2010 (4) SCC 216, Subkash Vs. State of Haryana, 1994 (3), and Lila Singh Vs. State of Punjab, 1988 (1) RCR 28,** to submit that the jail offence cannot be considered to decline the relief of premature release, specifically when the petitioner is not convicted by any other Court for the last 05 years, for any offence. Learned counsel for the petitioner also submits that there is no reason whatsoever, assigned in the impugned order, that the conduct of the petitioner in the last 05 years was not good and satisfactory, and there is no satisfactory reference that what offence the petitioner has committed, which forced the competent authority to conclude that conduct of the petitioner was neither good, nor satisfactory.

4. Upon notice, the reply has been filed by the learned State counsel to the instant petition, and submits that the petitioner was in fact involved in one case FIR No.08 dated 15.01.2022, under Section 52-A(1) Prison Act, 1894, at Police Station Division No.07, Ludhiana, which clearly mentions that the conduct of the petitioner is not satisfactory.

5. This Court has heard the learned counsel for the parties, and



examined the impugned order, and can safely conclude that no reason whatsoever, has been assigned to decline the relief of premature release to the petitioner. It is totally a non-speaking order, as the recommendation by the Additional Director of General of Police (Jail), was made mainly because of registration of another FIR lodged against the petitioner in the year 2022, in which the petitioner has not been convicted, therefore, there was no occasion for the authority concerned to conclude that the conduct of the petitioner was not satisfactory. The conclusion arrived at by the competent authority is not based upon any material evidence, therefore, the instant order is in fact a totally non-speaking order, and requires interference of this Court. The impugned order is hereby **quashed**, and the competent authority shall within next 08 weeks from today, take the final call, after having complete record from the jail concerned, on the claim of the petitioner for premature release.

- 6. In the case the competent authority fails to take a decision, within 08 weeks from today, the Superintendent of Jail concerned, shall release the petitioner on parole for 08 weeks.
- 7. In case the competent authority does not take any decision in the next 08 weeks, the petitioner is at liberty to re-access this Court for his extension of parole.
- 8. The instant petition is **disposed of** with the above directions.

13.05.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No