



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

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CRWP-9373-2023

Date of Decision : **September 06, 2024**

ANIL KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sanjeev Manhas, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., challenge is thrown to the order dated 28.7.2023 vide which the prayer of the petitioner for grant of pre-mature release was declined by the State Government.

2. A co-ordinate Bench of this Court vide order dated 10.11.2017, had granted bail to the petitioner till the case of the petitioner was considered for the purpose of pre-mature release by the competent authority. The competent authority thereupon, had declined the relief of pre-mature release by passing the impugned order, which caused grievance to the petitioner and propelled him to file the instant petition.

3. This Court earlier directed the petitioner to surrender enabling this Court to decide the case on its own merit, however, the learned counsel for the petitioner submits that owing to the medical condition of the petitioner, he is to surrender as he is bed ridden. Vide order dated 9.8.2024, the following directions were passed:-

“1. The learned State counsel has filed custody certificate of the petitioner, as issued by the Superintendent, Central Jail, Ludhiana, which is taken on record.

2. Through the instant criminal writ petition, the petitioner seeks quashing of the order dated 28.07.2023, wherethrough, the respondent No.1 has dismissed his premature release case.

3. What emerges from a perusal of the record available before this Court, is that, although the petitioner was granted the concession of interim regular bail by a Co-ordinate Bench of this Court, through drawing an order on 10.11.2017, upon Criminal Writ Petition No.683 of 2017, however, consequent upon drawing of the impugned order dated 28.07.2023, thus dismissing petitioner’s premature release case, he did not re-step into the prison concerned, as required under law.

4. The learned counsel for the petitioner submits that, in fact, the medical condition of the petitioner did not allow him to re-step into the prison concerned, inasmuch as, he suffered two heart attacks and now only his 25% heart is functional. Moreover, owing to his ailment, the petitioner is unable to perform his day to day affairs on his own, rather he is dependent on others.

5. In view of the above, this Court deems it appropriate to direct the petitioner to appear before the C.M.O., Civil Hospital, Ludhiana, within a week from today, whereupon, the latter shall constitute a medical board to evaluate the medical condition of the petitioner and submit its report 15 days thereafter positively.

6. List on 02.09.2024, for awaiting report (supra).

7. To be shown in urgent list.”

4. Till date, the compliance of the aforesaid direction has not been made, as no status report has been filed. On the other hand, the learned State counsel on instructions imparted to him by ASI Davinder Singh submits that the State is ready to reconsider the case of the present petitioner, in the apt policy, which is applicable to his case, within four weeks from today.



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5. In view of the specific undertaking given by the learned State counsel at this stage, the legality of the order is not required to be adjudicated upon, therefore, the State is directed to reconsider the case of the petitioner in view of the statement suffered by the learned State counsel within one month from today.

6. The entire exercise shall be carried out within the stipulated time period. It is expected from the competent authority concerned, to re-consider the case of the present petitioner in the apt policy, and thereupon, pass a speaking order.

7. The sentence of the petitioner is suspended for a period of one month i.e. upto 5.10.2024 or till the authority concerned decides the case of the petitioner regarding pre-mature release, whichever is earlier.

8. **Disposed** of accordingly.

September 06, 2024

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(KULDEEP TIWARI)
JUDGE

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