

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

2024.PHHC.127797-DB



(246)

LPA No.1453 of 2023 (O&M)

Decided on :26.09.2024

Gurdev Singh

.....Appellant (s)

Versus

State of Punjab and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Ms. Sonia G. Singh, Advocate for the appellant(s).

Ms. Arundhati Kulshreshtha, AAG, Punjab.

G.S. Sandhawalia, J.(Oral)

1. The present letters patent appeal is directed against the order of the learned Single Judge passed in CRWP No.3466 of 2022 dated 06.09.2023, whereby directions were issued to decide the premature release case of the writ petitioner, who had been convicted on 09.09.2011 by the Special Judge, Patiala in the case FIR No.132 dated 31.03.2009 registered under Sections 302/498 IPC at Police Station Sadar Patiala, District Patiala. The learned Single Judge directed the respondents to consider and decide the premature case of the writ petitioner within a period one year from the date of receipt of certified copy of the order. The appellant apparently came to this Court, on account of the long rope given to the State.

2. Counsel for the State has placed on record reply by way of affidavit of Superintendent, Open Air Jail, Nabha dated 11.03.2024. A perusal of the said affidavit would go on to show that the sentence as such had been upheld vide order dated 29.05.2019 passed in CRA-D-62-DB-2012. In the reply, it has been mentioned that the Premature Release Policy dated 08.08.2011 would apply in the case of the appellant. As per the stand of the State, the appellant was

required to undergo 11 years of actual sentence and 18 years with remission

under the said policy. It has further been mentioned that the case of the appellant for premature release was forwarded to the Additional Director General of Police (Prisons), Punjab and, thereafter, his case was sent to the Government for final decision, but not approved by the Council of Ministers. However, the said fact could not be brought to the notice of the learned Single Judge.

3. The custody certificate now filed dated 25.09.2024, however, would go on to show that the appellant as such had been granted benefit of interim bail by the learned Chief Judicial Magistrate, Patiala on 20.03.2024, in compliance of the directions issued by this Court in **COCP-2020-2022 ‘Pawan Kumar Vs. D.K. Tiwari and another’** on 30.01.2023. It is, thus, apparent that the appellant has already secured release on an interim basis at least, but counsel for the appellant is not aware of the release as such.

4. However, the custody certificate now filed would go on to show that the actual undergone period is 13 years, 3 months and 25 days and the total sentence including remission is 21 years, 3 months and 25 days. It, thus, satisfies the requirement as projected by the State in its affidavit.

5. In such circumstances, we are of the considered opinion that the present appeal has been rendered infructuous. However, the State should pass a formal order granting the said benefit, in view of the facts and circumstances, so that the interim bail order granted stands ratified. Needful be done within a period of 3 months from today.

(G.S. SANDHAWALIA)
JUDGE

26.09.2024
Naveen

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No