

2024:PHHC:130411



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

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CRWP-10671-2023 (O&M)
Date of decision : 01.10.2024

Ravi Shankar**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Prabhjot Kaur, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India making prayer for issuing directions to the respondents to release him prematurely in terms of policy dated 08.07.1991.

2. As submitted in the petition, the petitioner had been held guilty and convicted for commission of offence punishable under Section 302 of IPC, vide judgment of conviction and order on quantum of sentence dated 12.12.2000 in case arising out of FIR No. 107 dated 04.05.1998, registered under Section 302 of IPC at Police Station Mohali and had been sentenced to undergo rigorous imprisonment for life. Admittedly, he had filed an appeal against his conviction, which had been dismissed by this Court, vide judgment dated 21.10.2010 passed in ***CRA-D-474-DB-2010***.

3. Learned counsel for the petitioner has vehemently argued that as per policy/instructions dated 08.07.1991, the petitioner was required to undergo actual sentence of 10 years and 14 years with remissions. However,

he has undergone 24 years, 08 months and 22 days of actual sentence and more than 32 years, 08 months and 22 days of sentence including remissions. His case is fully covered under the policy issued by the Govt. of Punjab on 08.07.1991 and, therefore, he deserves to be extended benefit of premature release. However, his case for premature release has been rejected by the respondents twice in arbitrary manner and ignoring the fact that his case was fully covered under the aforesaid policy.

4. Upon noticed, reply by way of the affidavit of the Superintendent, Central Jail, Patiala has been filed today in Court. A perusal of the reply reveals that it is admitted by respondent No.3 that the case of the petitioner for premature release is covered under the aforesaid policy as he has undergone total sentence of 34 years, 03 months and 08 days including remissions as on 10.09.2024 and the case of the petitioner for his premature release is already under consideration before the authorities.

5. After hearing learned counsel for the parties and considering the fact that it is an admitted position that the case of the petitioner for his premature release is covered under the policy dated 08.07.1991 as he has already undergone requisite sentence and the matter is already under consideration before the competent authority, the present petition is disposed of with a direction to respondent No. 1-Secretary to Govt. of Punjab, Home Department, Chandigarh to ensure that the premature release case of the petitioner is decided within a period of one month from today by passing a speaking order, in accordance with law.

01.10.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No