

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

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CRWP-2259-2019

Date of decision : 08.01.2024

Mohan Singh**..... Petitioner****versus****State of Punjab and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Sanjeev Manhas, Advocate
for the petitioner. (Through Video Conferencing)

Mr. Kunal Vinayak, AAG, Punjab
with Mr. Navjot Singh, Head Warden,
AGDP, Prisons, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed directed against order dated 20.11.2019 (Annexure P-2), whereby the prayer made by the petitioner for premature release stands declined.

2. Petitioner is a convict in FIR No.134 dated 22.05.2003, registered for the offences punishable under Sections 302, 380 and 411 of IPC at Police Station Model Town, District Ludhiana and is serving sentence. The appeal preferred by the petitioner against judgment of conviction and order of sentence i.e. CRA No.116-DB of 2010 stands dismissed vide order dated 30.08.2012. State of Punjab framed policy for grant of remission of sentence of life imprisonment under Section 432, 433 and 433 (A) of the Code read with Article 161 of the Constitution of India which has been placed on record as Annexure P-1. The petitioner claims that his prayer would be covered under the said policy. The prayer

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made by the petitioner for premature release was declined vide impugned order (P-2), precisely for the ground that the petitioner being a convict qua heinous crime was required to undergo actual imprisonment of 12 years and 18 years of imprisonment with remission.

3. Counsel for the petitioner fairly submits that at the time of passing of the said order, the petitioner was not covered by the said policy, but asserts that now the petitioner would be covered under the same. State counsel submits that the prayer of the petitioner for premature release is under active consideration.

4. As per the status report filed by way of affidavit of Shivraj Singh Nandgarh, PPS, Superintendent, Central Jail, Ludhiana, it has been contended that:-

“5. That, after completion of requisite period of imprisonment, the Premature Release Case of the petitioner was initiated for recommendation and police verification report to District Magistrate, Maharajganj, Uttar Pradesh vide letter No. 3658/PRC/M-7 dated 03.05.2023 of the office of deponent (The custody certificate of the petitioner is annexed herewith as **Annexure R-1**). Further, several reminders vide No. 5569 dated 03.07.2023, No. 6973 dated 08.08.2023 and No. 7657 dated 04.09.2023 have been sent to the concerned official but no reply of the said letter has received in this office till date. The Premature Release Case of the petitioner would be forwarded to the Additional Director General of Police Prisons, Punjab, Chandigarh for consideration as soon as the report of District Magistrate is received in this office.”

5. In view of the afore stated factual position, in the considered opinion of this Court, it will be appropriate to dispose off the present petition with the direction to the respondents to decide the claim of the petitioner for premature release strictly in terms of the relevant policy decision taken by the State and other law expeditiously, preferably, within two weeks from the date of receipt of certified copy of the order.
6. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

08.01.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No