



CRM-M-5152-2025

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

CRM-M-5152-2025

Date of Decision: 05.03.2025

Suresh Chand

..... Petitioner

Versus

The State of UT Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. H.S. Jaswal, Advocate, for the petitioner.

Mr. Charanjit Singh Bakshi, Addl. PP, UT, Chandigarh.

Mr. Jasdev Singh Mehndiratta, Advocate,
for the complainant.**Rajesh Bhardwaj, J. (ORAL)**

1. Prayer in the present petition is for extension of of interim bail granted by learned Chief Judicial Magistrate, Chandigarh vide order dated 07.10.2024 (Annexure P-3) in case FIR No.255, dated 01.09.2002 for commission of offence punishable under Sections 302/34, 307, 307/34 IPC and Section 25 of the Arms Act, registered at Police Station City Sonapat, District Sonapat.
2. It has been contended by learned counsel for the petitioner that the petitioner alongwith other was involved in the said FIR and learned trial Court convicted the petitioner for the offence under Section 302 IPC and Section 25 of the Arms Act and sentenced to undergo life imprisonment vide order dated 29.11.2006. The same was assailed by the petitioner by way of filing appeal before this Court, however, the same was dismissed vide order dated 20.01.2011. He has submitted that as per custody certificate dated 13.03.2024, the petitioner has undergone 17 years, 08 months and 10 days actual sentence of imprisonment and 27 years 11 days total sentence including remissions as on 12.03.2024. He has submitted that as per



policy/instructions dated 08.07.1991, the case of the petitioner falls under the category 'C' which mandates that the convict is to undergo 10 years actual sentence and 14 years including remissions for his premature release. However, the petitioner has undergone more than the sentence as required under the said policy but despite that the petitioner has not been granted premature release. He has submitted that the petitioner filed a petition for granting him premature release, however, the same was not decided within three months as held by this Court in COCP No.2020 of 2022, hence, he filed an application before learned CJM, Chandigarh for granting him interim bail till his petition for premature release is decided. The said application came up for final hearing before learned CJM, Chandigarh on 07.10.2024 and the petitioner was ordered to be released on interim bail and thus, since then he is on interim bail. He has submitted that the respondent-State has considered the case of the petitioner for his premature release, but rejected the same vide order dated 12.11.2024 without taking into account the recommendations made by the Jail Authorities as well as the District Magistrate. He has submitted that for the consideration of the petition for premature release of the petitioner, the respondent is to take into consideration the factors as follows:-

1. The conduct of the convict in prison.
2. Whether the offence is an individual act of crime without affecting the society at large.
3. The gravity of the offence, the cruelty displayed by the accused while perpetrating crime and the circumstances in which he committed the offence resulting into his conviction.
4. The genuineness of the reason(s) given by the convict to have temporary suspension/remission of sentence.
5. Whether there is any chance of future recurrence of commission of crime by the convict.
6. Whether the convict has lost his potentiality in committing crime.



7. Whether there is any fruitful purpose of confining the convict anymore.
8. Socio-economic condition of the convict's family.
9. The injury that could be caused to the convict in the event of denial of suspension/ remission of sentence.
10. Any danger to the life of convict himself in the event of denial of suspension/ remissions of sentence.
11. Whether the convict poses a threat to the victim, victim's family or any other person related to the victim.
12. The pendency of an appeal, if any, against such conviction.
13. Other aspects which in the opinion of the Presiding Officer are relevant.

3. Learned counsel for the petitioner has submitted that the respondent-State rejected the case of the petitioner in violation of the guidelines issued. He has further submitted that in the similar situated case, this Court has stayed the rejection order. He, thus, submits that the interim bail granted to the petitioner be extended.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has drawn the attention of this Court to the reply filed by way of affidavit of Amandeep Singh, Additional Superintendent of Jail, Model Jail, Chandigarh. He has submitted that the present case pertains to a triple murder case and the factors as required had been taken into consideration while deciding the petition filed by the petitioner for his premature release. He submits that as per the order passed in COCP-2020-2022 decided on 30.01.2023, case of the petitioner was to be decided in a time bound manner and till the decision of the same, the interim bail was granted to the convict and ultimately the case of the petitioner was rejected by respondent No.1 by holding him not to be entitled for premature release due to gravity of the crime and potential societal impact. He submits that once the case of the petitioner for his premature release, has already been decided by the respondent -State, there is no ground for extension of



interim bail granted to the petitioner. He, thus, submits that the petition being devoid of any merit deserves to be dismissed.

5. Heard. Precise submission made by counsel for the petitioner is for extending the interim bail granted to the petitioner. Relevant part of the order passed in COCP-2020-2022 reads as follows:-

“The Chief Judicial Magistrate/Secretary, Legal Services Authority concerned will submit a periodical report to the Registrar General of this Court, after every three months after seeking information from their concerned Jail Superintendents to this effect :-

- (a) The number of cases recommended by the Superintendent of jail(s), which are pending approval by the competent authority;
- (b) In case, where a case is recommended three months/six months prior to the date when such a person becomes eligible for consideration to premature release, as per the recommendation made by the Superintendent Jail concerned and no final decision is taken despite lapse of three months/six months, the Chief Judicial Magistrate/Member Secretary, District Legal Services Authority of each District will call upon the family member of such a convict informing them that w.e.f. the date when the premature release of a convict is due as per the recommendation and no final decision/call is taken by the State Government, the convict will be released on bail subject to furnishing bail/ surety bonds apart from;
- (c) An undertaking by a family member of the convict that in the event of premature release case of such a convict is rejected by the Government, he/she will surrender back to the concerned Jail to undergo further imprisonment;
- (d) The passport of such a convict, if any, till the time final decision is taken by the competent authority, will remain deposited with the local police where FIR was registered or with the Court and such person will not be permitted to travel abroad without the prior permission of the Chief Judicial Magistrate concerned;
- (e) Where the convicts are residents of other States, the Chief Judicial Magistrate may in his/her discretion ask for an undertaking of a respectable, like Sarpanch or Lamberdar or any other permanent resident of that village that till the time a final decision is taken, the person will stay at his given native address and will surrender back, if so required;
- (f) The Member Secretary, District Legal Service Authority will also maintain record of the convict(s), who are likely to apply for premature release within the next six months so as to



provide him/her the necessary information in this regard to avoid any overstay in jail.

(g) This order will apply mutatis mutandi to all the convicts, who are undergoing the sentence in the District/Central Jail in the State of Punjab, Haryana and U.T., Chandigarh and all the Chief Judicial Magistrates/Secretary, District Legal Services Authority will collect the relevant data from the concerned jail and will make the necessary compliance and will release the convict on bail after his due date of release as per the recommendation of Superintendent of the concerned jail.

(h) Such directions are issued to put reverse burden on the respective State Governments to decide the premature release case within the time limit of 3-6 months as per their own policy/instructions. In case it is to be rejected on the grounds of being a heinous crime or threat to the security to State etc., provided in instructions such decision be taken within time frame as per policy so that the convict may not get bail.”

6. Perusal of the above would show that the interim bail granted to the convict-petitioner was purely conditional and was granted till the decision of his premature case. There was a specific condition that in case of rejection of case of the petitioner for his premature release, he would surrender back to the concerned Jail authorities to undergo further imprisonment. Admittedly, case of the petitioner for his premature release has been considered by the respondent-State and is rejected vide order dated 12.11.2024. Thus, remedy available with the petitioner-convict is to assail the rejection order passed by the respondent-State. Thus, this Court does not find any ground for extension of interim bail granted to the petitioner. Resultantly, the present petition being devoid of any merit is hereby dismissed. However, the petitioner will be at liberty to avail his remedy as available to him under law.

(RAJESH BHARDWAJ)
JUDGE

05.03.2025
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No