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

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CRWP-1171-2025

Date of Decision: 11.08.2025

Amrit Singh

....Petitioner

Vs.

State of Punjab and Ors.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:. Mr. Sherry K. Singla, Advocate for petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner-Amrit Singh has filed present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 24.12.2024 (wrongly mentioned as 29.12.2024) (Annexure P-5) passed by respondent No.1 whereby premature release case of petitioner has been wrongly rejected in an arbitrary manner and in violation of Policy dated 08.07.1991 (Annexure P-2) issued by Government of Punjab, Department of Home Affairs and Justice for the grant of remission of sentence of life and imprisonment as well as the mandate of law laid down by this Court in CRWP No.8232 of 2022 titled as **“Pohlu @ Pohlu Ram vs. State of Haryana and Others”** decided on 05.02.2024 or any other direction to the respondent which the court may deem fit in the given facts and circumstances of the case.

2. Learned counsel for petitioner argued that present petitioner was accused in FIR No.117 dated 04.11.2003, under sections 302 and 376 of

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IPC, registered at Police Station Boha, District Mansa for committing rape and murder of deceased victim aged about 7/8 years on 03.11.2003. Petitioner was awarded death sentence vide judgment of conviction and sentence dated 19.03.2005 passed by learned Additional Sessions Judge, Mansa under Sections 376, 302 of IPC and he was ordered to be hanged by the neck till he is dead, subject to the confirmation by High Court. Criminal Appeal No.284-DB of 2005 was filed which was dismissed on 03.08.2005. Thereafter, petitioner filed Criminal Appeal No.1327 of 2005 before Hon'ble Supreme Court of India against the aforesaid judgments and the Hon'ble Supreme Court of India vide judgment dated 10.11.2006 (Annexure P-1) altered the sentence awarded to the petitioner and allowed the appeal vide which it was converted into sentence of rigorous imprisonment for life. The Government of Punjab issued policy for grant of remission of sentence of life imprisonment under Sections 432 and 433(A) of Cr.P.C. dated 08.07.1991 (Annexure P-2). Since petitioner was convicted in the year 2005, therefore, aforesaid policy is applicable to the present petitioner. Petitioner falls in category A of said policy and he has to undergo 20 years of imprisonment with remission. On completion of requisite sentence including remission, as per the policy dated 08.07.1991 (Annexure P-2), case of petitioner was initiated for premature release. However, Senior Superintendent of Police, Mansa did not recommend the case for premature release of the petitioner on the ground that petitioner and complainant were residents of same village and therefore, there can be danger to the peace and law situation for petitioner as well as complainant party. The case was put



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up before the competent authority i.e. Hon'ble Chief Minister, Punjab as per the provisions of Section 434(2) Cr.P.C. along with the said negative report. The claim of petitioner was rejected by respondent No.1 vide impugned order dated 30.12.2021 (Annexure P-3). Petitioner approached to this court by filing CRWP No.7626 of 2022 for grant of premature release and vide order dated 05.11.2024 (Annexure P-4), the impugned order dated 30.12.2021 (Annexure P-3) passed by respondent No.1 was set aside and the case was remanded back with the direction to reconsider and decide the case of petitioner afresh in accordance with the policy within a period of 6 months from the date of receipt of certified copy of the order. Respondent No.1 again in pursuance of aforesaid order, rejected the claim of petitioner on similar grounds vide impugned order dated 24.12.2024 (Annexure P-5).

3. In the petition itself, learned counsel representing petitioner has relied upon the judgment in the case of ***“Gopal Ganesh Vs. State of Punjab and others”*** and ***“Pohlu @ Pohlu Ram Vs. State of Haryana and Others”*** in CRWP No.8232 of 2022, decided on 05.02.2024. It is pointed out that case of present petitioner is fully covered under the policy dated 08.07.1991 (Annexure P-2). He has completed the actual sentence and total sentence including remission as per this policy. The impugned order dated 24.12.2024 (Annexure P-5) is in violation of Articles 14, 19, and 21 of the Constitution of India. Therefore, with these arguments it is submitted that impugned order dated 24.12.2024 (Annexure P-5) may kindly be set aside and petitioner is entitled to the relief of premature release in view of the policy dated 08.07.1991 (Annexure P-2).

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4. Petition filed by petitioner is opposed by learned counsel representing State. Factual position as referred above is not disputed. Copy of premature release policy dated 08.07.1991 is Annexure R-1 and the custody certificate pertaining to petitioner-Amrit Singh is Annexure R-2. Previous order dated 30.12.2021 rejecting the case of petitioner for premature release is Annexure R-4/T. The case of present petitioner was again considered for premature release and it was again rejected by passing detailed well reasoned order dated 24.12.2024 (Annexure R-6/T). It is pointed out that the facts of the case, gravity of offence and all surrounding circumstances were rightly considered while passing impugned order dated 24.12.2024 (Annexure R-6/T). Therefore, petition filed by the petitioner is without merits and the same deserves dismissal.

5. I have considered the arguments and have gone through the record carefully. It is matter of record that present petitioner was convicted and sentenced with death penalty in FIR No.117 dated 04.11.2003 under Sections 302, 376 of IPC, vide Judgment dated 19.03.2005 passed by learned Additional Sessions Judge, Mansa which was subject to confirmation by High Court. Criminal Appeal No.284-DB of 2005 was dismissed vide judgment dated 03.08.2005. Petitioner filed Criminal Appeal No.1327 of 2005 in the Hon'ble Supreme Court of India vide which the sentence was modified and death penalty was altered to sentence of rigorous imprisonment for life, vide judgment dated 10.11.2006 (Annexure P-1). It is further not disputed that in the case in hand, petitioner was convicted for committing rape and murder of 7/8 years old child on 03.11.2003. Case of present



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petitioner is admittedly covered by the policy dated 08.07.1991 (Annexure P-2/R-1). As per Column A for convicts whose death sentence has been converted to life imprisonment required to undergo actual imprisonment of 14 years and with remission 20 years. As per the custody certificate of petitioner-Amrit Singh (Annexure R-2), actual undergone period including custody as under trial is 19 years, 09 months and 10 days and including remission it is 24 years, 04 months and 07 days. Therefore, case of present petitioner is covered under the policy dated 08.07.1991 (Annexure P-2/R-1) and accordingly his case was forwarded for premature release. It is matter of record that earlier his claim for premature release was rejected vide order dated 30.12.2021 (Annexure R-4/T). Feeling aggrieved, he filed Criminal Writ Petition No. 7626 of 2022 and the case was again remanded back for reconsideration for fresh decision vide order dated 05.11.2024 (Annexure P-4). The case of petitioner for premature release has been again rejected vide order dated 24.12.2024 (Annexure P-5/R-6/T).

6. I have considered the other conditions mentioned in the policy dated 08.07.1991 (Annexure P-2) for giving benefit of premature release. The relevant conditions run as under:

- “XXX XXX XXX XXX
- II. The cases of premature release will only be considered provided the convict has maintained good conduct in jail. For this purpose good conduct means that he has not committed any jail offence for a period of 5 years prior to the date of his eligibility for consideration for release as per Para 1.1 above.*
- III. Cases for premature release will only be considered if the Government is satisfied that in the event of release of the convict*



there is no likelihood of the convict committing a crime or breach of peace in any way connected with the circumstances of the crime.

IV. The Government reserves the right to exercise its powers under Article 161 of the Constitution in any way it deems fit.

XXX XXX XXX XXX”

7. Now, this court is required to see as to whether petitioner can claim premature release under the aforesaid policy dated 08.07.1991 (Annexure P-2/R-1) on completion of requisite custody period as a matter of right or not. The case of petitioner is to be examined in the light of its facts and circumstances and the aforesaid policy. As per clause IV of the policy dated 08.07.1991 (Annexure P-2/R-1) the Government reserves the right to exercise its powers under Article 161 of the Constitution in any way it deems fit. Therefore, one thing is clear that petitioner cannot claim premature release on the basis of policy dated 08.07.1991 (Annexure P-2/R-1) as a matter of right, even though, he fulfills the condition of imprisonment as mentioned in Column A of the said policy. On completion of requisite conditions, petitioner becomes eligible for applying to premature release. The discretion has to be exercised by the competent authority by passing speaking, well reasoned, detailed order. Facts of each case has to be considered. The court is to strike a balance between the fundamental rights of petitioner/convict as well as of the victim and her family. Impact of the crime on the society cannot be ignored.

8. As referred above, in the case in hand, petitioner had committed rape and murder of 7/8 years old child. He was given death penalty which

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was converted to rigorous imprisonment for life. Now petitioner is undergoing rigorous imprisonment for life. I have carefully gone through the impugned order dated 24.12.2024 (Annexure P-5/R-6/T), according to which case for premature release of the petitioner was not recommended considering the gravity of offence, its impact on the society and the fact that petitioner as well as family of victim were residing in the same village. Punishment has a purpose i.e. deterrence, incapacitation, rehabilitation, retribution and restitution. It is to encourage and enforce proper social behaviour. Each case has to be examined considering the offence and the manner in which it has been committed. As referred above appeal preferred by the petitioner is also finally decided by the Supreme Court of India.

Therefore, considering the aforesaid factual position, I do not find any reason to interfere in the impugned order dated 24.12.2024 (Annexure P-5/R-6/T) and the petition filed by the petitioner is accordingly declined.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

11.08.2025*Sunil Devi*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No

**(AMARJOT BHATTI)
JUDGE**