

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

**CRWP-4070-2022 (O&M)
Date of decision: 09.07.2025**

Baldev Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Bandana Tirkha, Advocate
for the petitioner (through V.C.).

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present criminal writ petition has been filed under Article 226 of the Constitution of India read with Rule 3 & 7 of the Rules and Orders of the Punjab and Haryana High Court Volume V Chapter IV Part F, seeking issuance of directions for premature release of the petitioner.

2. Briefly, the facts, are that petitioner who stands convicted vide judgment dated 31.03.2012, passed by learned Additional Sessions Judge, Bathinda for the offences punishable under Sections 302, 148, 302/149, 323, 356, 325/149 Indian Penal Code, 1860 in the case arising out of FIR No. 70 dated 10.07.2008 registered under Sections 302, 307, 325, 356, 336, 120-B, 148, 149 of Indian Penal Code, 1860 and 25, 27 Arms Act, 1959 at Police station, Sangat, District Bathinda.

3. Learned counsel for the petitioner *inter alia* submits that the case of the petitioner ought to be adjudicated with respect to the policy dated 08.08.2011, as that was the applicable policy at the time of his conviction.



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According to Clause 3, Column E of the said policy, the petitioner is required to undergo 8 ½ years of actual sentence and 14 years of total sentence to be eligible for premature release. However, the petitioner has already undergone about 10 years of actual sentence and the offence he was convicted for does not come under the category of 'heinous crime'. Further, he has maintained good conduct while incarcerated and has not committed any jail offence. He further submits that similarly situated convicts, and even those who have committed heinous crimes, were granted premature release. Hence, the State is acting in a highly illegal and arbitrary manner in not releasing the petitioner as per policy. In fact, the unjust delay in consideration of the application of the petitioner has caused irreparable loss to him by curtailing his liberty. This approach also falls foul of the directions issued by this Court in ***Pawan Kumar vs. D.K. Tiwari and another*** in ***COCP No. 2020 of 2020*** decided on 30.01.2023.

4. *Per contra*, learned State counsel, at the very outset, submits that the petitioner is eligible for premature release in accordance with the policy dated 08.08.2011. Moreover, he could not controvert the fact that the case of the petitioner was not forwarded promptly for consideration. Furthermore, he has assured the Court that the matter shall be decided within a period of four weeks.

5. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is currently confined in District Jail, Bathinda. Admittedly, the petitioner is eligible for premature release in terms of the policy dated 08.08.2011, i.e. the

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policy applicable at the time of his conviction, as he has already undergone more than 8 ½ years of actual sentence and over 14 years of total sentence.

6. Keeping in view the assurance given by the learned State counsel, the present petition is disposed of with directions to the official respondents to decide the case of the petitioner for premature release within 04 weeks from the date of receipt of a certified copy of this order.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

09.07.2025

Neha

(HARPREET SINGH BRAR)
JUDGE

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