



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

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CRWP-5841-2025 (O&M)
Date of decision: 03.07.2025

Gurdial Singh @ Hardial Singh @ Dali

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikram Anand Satpal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this criminal writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to consider the case of the petitioner for commutation of his sentence and pre-mature release from the jail as he has already undergone more than 20 years as per the provisions of Section 433 of Cr.P.C. (now Section 474 of BNSS, 2023) and at present is undergoing 28th year inclusive of remission and other reprieves like parole and parole period.

2. The brief facts of the case are that the petitioner was convicted in FIR No.77 dated 15.06.2007, registered under Sections 396, 397, 341 IPC and Sections 25, 27 Arms Act at Police Station Rajasansi, Amritsar, and after completion of the trial, he along with his co-accused namely Sucha Singh @ Ghucha was sentenced by learned



trial Court on 20.04.2010. Thereafter, the petitioner's appeal bearing No.CRA-544-DB-2010 filed before this Court was dismissed on 08.04.2015 and the Special Leave to Appeal (Criminal) CRLMP No.19387 of 2015 filed before the Hon'ble Supreme Court was also dismissed on 23.11.2015. The petitioner has availed parole/furlough multiple times peacefully and surrendered timely, with no other cases pending against him.

3. Learned counsel for the petitioner submits that as per Para 1.1 Clause (B) of the Instructions dated 08.07.1991, the petitioner has already undergone more than 12 years of actual sentence and total sentence of 18 years with remissions and the petitioner's case for premature release is required to be decided in terms of the applicable policy as laid down by the Hon'ble Supreme Court in ***State of Haryana vs. Jagdish 2010(4) SCC 216***. He further submits that the petitioner has undergone a requisite period of sentence and as such, the petitioner is entitled for the relief of premature release. In support of his arguments, learned counsel for the petitioner has relied upon the judgment of this Court in ***Rupinder Singh vs State of Punjab and others***, passed in **CRWP No.11354 of 2024**, decided on **29.05.2025** and submits that the custody certificate dated 02.07.2025 attached with the reply as Annexure R-2, clearly indicates that the parole period has been deducted from the actual sentence which is contrary to the ratio of law laid down in ***Rupinder Singh's case (supra)***.



4. Learned State counsel has filed reply on behalf of respondents No.1 to 3 by way of an affidavit of Kulwinder Singh, Superintendent, Central Jail, Sri Goindwal Sahib, in compliance of the order dated 02.06.2025, passed by this Court.

5. Learned State counsel, however, controvert the stand taken by the petitioner on the ground that as per the policy, the requisite total custody is 18 years, which is yet to be completed by the petitioner. He further submits that as and when the petitioner completes the requisite period of 18 years along with remissions, his case would be considered and decided by the competent authority in terms of ***Rupinder Singh's case (supra)***.

6. In view of the statement made by learned State counsel, the present petition is disposed of.

7. Liberty is granted to the petitioner to approach this Court, in case the competent authority does not decide the case of the petitioner for premature release after he completes 18 years of actual custody.

(HARPREET SINGH BRAR)
JUDGE

03.07.2025
yakub

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