



CRWP-12503-2024

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for the approval of the government on 25.11.2024. This delay has caused the petitioner unnecessary detention that amounts to unjust curtailment of his liberty. This approach also falls foul of the directions issued by this Court in ***Pawan Kumar vs. D.K. Tiwari and another COCP No. 2020 of 2020.***

3. *Per contra*, learned State counsel could not controvert the fact that the case of the petitioner was recommended for premature release in accordance with policy dated 08.07.1991 but the same was not promptly forwarded to the government for its approval.

4. 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 was convicted in the case stemming from FIR No.107 dated 16.04.2009 registered under Sections 302 of the Indian Penal Code, 1860 at Police Station City Faridkot. The petitioner is currently confined in Central Jail, Faridkot. Admittedly, the petitioner is eligible for premature release in terms of the policy applicable at the time of his conviction i.e. policy dated 08.07.1991. The case of the petitioner was even recommended by respondents No.3, 4 and 5. In spite of respondent No.5 recommending the case of the petitioner vide letter no. 5314 dated 06.11.2024 (Annexure P-3), it was only forwarded to the government on 25.11.2024.

5. In view of the facts and circumstance of the case, learned Chief Judicial Magistrate, Faridkot is directed to decide the matter of bail qua the petitioner within a period of 08 weeks from the receipt of a certified copy of this order, strictly in accordance with ***Pawan Kumar's case (supra)***. Further, the official respondents are also directed to decide the case of the petitioner for

premature release expeditiously, strictly in accordance with the policy applicable at the time of his conviction.

6. Disposed of, accordingly. Pending miscellaneous application(s), if any, shall also stand disposed of. Registry is directed to forward a copy of this order to Chief Judicial Magistrate, Faridkot for necessary compliance.

(HARPREET SINGH BRAR)
JUDGE

07.01.2025
Neha

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