

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

2026.PHHC.072357



CRWP-11501-2023 (O&M)

Date of Decision: 08.05.2026

SURENDER SINGH

... PETITIONER

VERSUS

UOI AND OTHERS

... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Rahul Deswal, Advocate for the petitioner.

Mr. Maneesh Bali, Sr. Panel Counsel for
respondents No.1 to 4.

Dr. Malvika Singh, D.A.G., Haryana.

H.S. GREWAL, J. (ORAL)

1. The present Criminal Writ Petition under Articles 226/227 of the Constitution of India has been filed seeking issuance of a writ in the nature of Mandamus directing respondent Nos.1 to 4 to prematurely release the petitioner, who has undergone 27 years, 6 months and 9 days of custody, after having been convicted in FIR No.142 of 1999 registered at Police Station R.S. Pura, Jammu under Section 302 of the Ranbir Penal Code by the General Court Martial under Section 69 of the Army Act for commission of the offence punishable under Section 302 RPC, vide judgment/order dated 08.11.2000, whereby he was sentenced to death by hanging till death, which sentence was subsequently commuted by the Confirming Authority/respondent No.1 to imprisonment for life along with dismissal from service vide order dated 14.07.2003 with a further prayer for setting aside the impugned action/decisions of respondent Nos.1 and 2 rejecting the

premature release of the petitioner and consider the case of the petitioner for his premature release.

2. Learned counsel for the petitioner submits that the petitioner has undergone 27 years, 6 months and 9 days of custody, including earned remission and excluding parole and is presently confined in District Prison, Jhajjar.

3. On the other hand, learned counsel appearing for respondent Nos.1 to 4 has raised a preliminary objection regarding maintainability of the present petition on the ground that the jurisdiction to adjudicate upon the issue of premature release of the petitioner vests with the Armed Forces Tribunal under the provisions of the Armed Forces Tribunal Act.

4. After hearing learned counsel for the parties and perusing the record of the case, this Court finds merit in the preliminary objection raised by respondent Nos.1 to 4. Since the issue involved falls within the jurisdiction of the Armed Forces Tribunal under Section 50 of the Armed Forces Tribunal Act, the present petition is ordered to be transferred to the Armed Forces Tribunal for adjudication in accordance with law. The petitioner is directed to appear before the Armed Forces Tribunal on 14.05.2026.

5. Petition stands disposed of.

(H.S.GREWAL)
JUDGE

08.05.2026

Janki

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