
(1985) 08 P&H CK 0064

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 120 of 1985 and Criminal Writ No. 579 of 1985

Arjan s/o Khazan

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 27-08-1985

Acts Referred:

Citation : (1985) 08 P&H CK 0064

Hon'ble Judges : Surinder Singh, J

Advocate : V.K. Jindal, Vinod Kataria, Advocates for appearing Parties

Judgement

Surinder Singh, J.

1. The factual allegations and the point involved in the present Writ Petition are akin to those in a bunch of cases disposed of by means of judgment, dated May 17, 1985, rendered in criminal Writ No. 38 of 1985 (Sukhdev Singh Dhaliwal v. The State of Punjab). It has been admitted in the written reply filed by the Inspector General of Prisons, Punjab, on behalf of the respondent that the Convict, namely Arjan alias Arjan Singh son of Premi who is undergoing lisesentence in Central Jail, Patiala, has undergone a sentence of 9 years, five months and nine days, as on July 26, 1985. Apart from this, he has also earned a remission for six years, eleven months and nineteen days. In spite of this, the premature release case of the said Convict has not been finally decided by the State Government. In these circumstances, the decision in Sukhdev Singh Dhaliwal's case (supra) is fully applicable to the present case.

2. The present Writ Petition is allowed and a Mandamus is issued to the State Government to finally decide the premature release case of Arjan alias Arjan Singh Convict, within two months from today. In the meantime, the Convict shall be released on bail to the satisfaction of the Chief Judicial Magistrate, Amritsar. If the decision of the State Government in the matter of premature release of the Convict, goes against him, it would be open to the Convict to challenge that order in appropriate proceedings. In this contingency, it would be open to the

State Government to move this Court for cancellation of the bail granted to the Convict, as aforesaid.