
(2011) 03 P&H CK 0704

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-3281 of 2011

Nand Kishore @ Bharat Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 17-03-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 302, 34, 396

Citation : (2011) 03 P&H CK 0704

Hon'ble Judges : Nawab Singh, J

Bench : Single Bench

Judgement

Nawab Singh, J.—Nand Kishore alias Bharat Singh - Petitioner was convicted u/s 302 read with Section 34 of the Indian Penal Code by Sessions Judge, Faridkot vide judgment dated April 24th, 2000 in case bearing First Information Report No. 14 dated February 10th, 1999, Police Station - Sadar, Kotkapura, District Faridkot and sentenced to undergo imprisonment for life. He is confined in Central Jail, Ludhiana.

2. The Petitioner's case for premature release was dismissed by the State Government by order dated November 23rd, 2010 (Annexure R/3) in view of the report dated October 1st, 2010 (Annexure R/1) submitted by District Magistrate, Auriya (Uttar Pradesh).

3. Petitioner belongs to District Auriya (Uttar Pradesh). District Magistrate, Auriya did not recommend the case of the Petitioner for premature release on the basis of report dated October 1st, 2010 (Annexure R/2) of Superintendent of Police, Auriya that the Petitioner was an accused in case bearing FIR No. 195 of 1998 u/s 396 IPC, Police Station Erva Katra, so it is expected that he may commit an offence in the area. However, in the said case, the Petitioner was acquitted.

4. By filing the present petition, the Petitioner has urged that the ground on which his case was rejected is not cogent.

5. Petitioner has already undergone 19 years 8 months and 29 days of sentence

including remissions as on March 10th, 2011 and has completed the sentence per Policy of the State Government dated July 8th, 1991 (Annexure P/1) as mentioned in the reply filed by the State. A perusal of the report, Annexure R/2 shows that the Petitioner, a tailor by profession, has a family comprising his wife and son and owns 5 Biswas of land in his village.

6. Since the Petitioner has already completed the sentence in terms of Policy, Annexure P/1 and has been acquitted in the case registered against him in Auriya, in the considered opinion of this Court, the ground on which the case for premature release of the Petitioner has been dismissed, is not convincing.

7. In view of above, the State Government is directed to re-consider the case of the Petitioner for his premature release. Meanwhile, It is ordered that till the case for pre-mature release of the Petitioner is decided by the Respondent-State, he shall be released on parole on his furnishing personal bond and a surety bond to the satisfaction of District Magistrate, Faridkot. The Petitioner shall give an undertaking that he will not leave the country without prior permission of the Court and will keep peace and shall not indulge in any nefarious activity while on parole.

8. Disposed of.