
(2019) 09 P&H CK 0133

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 1818 Of 2019 (O&M)

Shailender Kadian

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 16-09-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 302

Citation : (2019) 09 P&H CK 0133

Hon'ble Judges : Gurvinder Singh Gill, J

Bench : Single Bench

Advocate : Sandeep Verma, Kirat Singh Sidhu

Final Decision : Disposed Off

Judgement

Gurvinder Singh Gill, J

1. The petitioner has approached this Court seeking setting aside of letter dated 3.5.2019 (Annexure P-6) which is infact in the nature of report of District Magistrate, Rohtak submitted in the matter pertaining to premature release of the petitioner.

2. The petitioner was held guilty for having committed offences punishable under Sections 302/34/120-B of IPC by learned Sessions Judge, Muktsar vide judgment dated 15.1.2011 in respect of a case registered vide FIR No.16 dated 1.2.2006 under Sections 302/34/120-B of IPC at Police Station City Muktsar. The petitioner had challenged his conviction by way of filing an appeal which also stands dismissed by this Court.

3. The learned counsel for the petitioner submits that as on date, the petitioner has already undergone an actual sentence of more than 12 years and has undergone a total of 20 years of sentence including remissions and as such, is fully covered by the policy dated 8.7.1991 issued by the Government of Punjab for premature release of the convicts. It has further been submitted that in any case, the petitioner also stands covered by a subsequent policy issued in the

year 2017, although in the case of the petitioner, it is the earlier policy which would be applicable i.e. of the year 1991 (Annexure P-1).

4. Upon notice of motion having been issued, the learned State counsel has today filed reply to the amended writ petition wherein it has been stated that the premature release case of the petitioner is presently under consideration of the Government of Punjab.

5. Since till date, no order pertaining to consideration of the case of the petitioner for his premature release has been passed and as per the reply filed today, the matter pertaining to premature release of the petitioner is being considered, the present petition is disposed of with a direction to State of Punjab to pass a speaking order pertaining to consideration of the case of the petitioner for his premature release expeditiously and in any case not later than 3 months from today. Needless to mention, the State shall pass any such order after taking requisite reports from the authorities concerned regarding the conduct and antecedents of the petitioner.

6. The petition stands disposed of accordingly.