

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

**Criminal Writ Petition No.1261 of 2009 (O&M)
Date of Decision:30.10.2009**

Gurcharan Singh and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE HARBANS LAL

Present:- Mr. Kuldeep V. Singh, Advocate for the petitioners.

HARBANS LAL, J.

This petition has been moved by Gurcharan Singh as well as Jasdev Singh under Section 482 of Cr.P.C for issuing directions to the respondents to allow them usual remissions as have been allowed by the Governor of Punjab under Article 161 of the Constitution of India during the period, they remained on bail during the pendency of Criminal Appeal No.307-SB of 1996 in this Court in accordance with the settled proposition of law laid down in the judgment dated 8.9.2009 rendered by this Court in Criminal Writ Petition No.995 of 2009 – Jit Singh v. State of Punjab and others,

I have heard the learned counsel for the petitioners. The petitioners were convicted and sentenced under Section 307 IPC to undergo rigorous imprisonment for five years and to pay a fine of Rs.2,000/- and in default of payment of fine, the defaulter to further undergo rigorous imprisonment for one year, they were further sentenced under Section 324 IPC to undergo rigorous imprisonment for two years and to pay a fine of

Rs.500/- and in default of payment of fine, the defaulter to further undergo rigorous imprisonment for six months by the Court of learned Additional Sessions Judge, Bathinda vide judgment dated 15.4.1996. They were released on bail during the pendency of appeal. The appeal was partly accepted and sentence awarded was reduced from 5 years to 2-1/2 years and the sentence of fine was maintained. After decision of their appeal No.307-SB of 1996 vide judgment dated 14.1.2009 passed by this Court, they have been readmitted to jail. In view of Annexure P.2, the judgment dated 8.9.2009 rendered by this Court in Criminal Writ Petition No.995 of 2009 – Jit Singh v. State of Punjab and others, this petition is disposed of with a direction to the competent authority to examine the case of the petitioners and provide them the benefit of remissions announced from time to time till before 11.9.2001 and also consider their pre-mature release case.

October 30, 2009
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(HARBANS LAL)
JUDGE