

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CRL.) NO(s). 209 OF 2011

GUPTAR SINGH

Petitioner(s)

VERSUS

STATE OF U.P.& ANR

Respondent(s)

(With appln(s) for bail,permission to file additional documents and office report)(For Final Disposal)

W.P(CRL.) NO. 8 of 2011

(With appln.(s) for stay of arrest and office report)

(For Final Disposal)

WITH W.P(CRL.) NO. 60 of 2011

(With appln.(s) for bail and office report)

(For Final Disposal)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. S.K. Sabharwal,Adv.
Mr. Jetendra Singh,Adv.
Ms. Priyanka Singh,Adv.

For Respondent(s) Ms. Pragati Neekhara,Adv.
Ms. Vanshaja Shukla,Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard.

The petitioner-Guptar Singh was convicted for an offence punishable under Section 323/149/307/302 of the Indian Penal Code and sentence to undergo life imprisonment. It is common ground that he has completed 18 years of actual imprisonment. He was released from custody, pursuant to a certain direction issued by the Government of Uttar Pradesh to which the High Court of judicature at Allahabad appears to have taken exception. The result was that all those released were taken back in custody.

Learned counsel for the petitioner submits that in most of such cases writ petitions were filed in this Court in which the convicts were by interim or final orders released from custody on bail or otherwise. He submits that a similar order in this matter could also be passed as the petitioner has already suffered incarnation for more than 18 years.

Learned counsel for the respondent-State on the other hand submits that the petitioner's case could be considered for premature release by the competent authority in accordance with the rules on the subject and that such consideration by the competent authority could if so directed by this Court can take place within four months from today.

In the circumstances, therefore, while we direct the competent authority of State of Uttar Pradesh to examine/consider the petitioner's case for premature release in accordance with the prevalent scheme and pass a reasoned order on the subject, we direct his release from custody (in Sessions Trial No.442 of 1984) subject to the petitioner furnishing bail bonds in a sum of Rs.10,000/-(Rupees ten thousand) with one surety in the like amount to the satisfaction of the trial court. Depending upon

whether the competent authority takes a final decision in his favour or rejects his premature release, the petitioner shall surrender back to custody once the decision is conveyed to him.

A copy of the reasoned order which the competent authority may pass in pursuance of this order shall be filed before this Court by counsel for the respondent-State.

Post after the needful is done.

|(Mahabir Singh)
| Court Master

| (Veena Khera)
| Court Master