

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

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**Crl. Writ Petition No.1455 of 2013 (O&M)
Date of decision: August 13, 2015**

Krishan Chand and others

...Petitioners

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Vijay Kumar Jindal, Advocate for the petitioners.

Mr. Baljinder Singh Virk, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for setting aside the order dated 02.07.2013 (Annexure P-5) passed by Director General of Prisons, Haryana whereby the case of the petitioners for premature release has been declined and further to consider the case of the petitioners in view of Haryana Government Policy dated 08.08.2000.

Learned State counsel has filed an affidavit of Inspector General of Prisons in the Court today and the same is taken on record.

Learned State counsel submits that in view of order dated 09.07.2014 passed by Hon'ble the Apex Court in **Writ Petition (Criminal)**

No.48 of 2014 titled as **Union of India vs. V. Shriharan @ Murugan and others**, the premature release cases of those life convicts who have completed the parameters of the premature release policies applicable in their cases, were held up. He also submits that now, on 23.07.2015, Hon'ble the Apex Court has modified the stay order dated 09.07.2014. The relevant portion of order dated 23.07.2015 is reproduced as under:

“Accordingly, we modify our order dated 09.07.2014, whereby we had restrained the State Governments from exercising power of remission or commutation of life convicts. The said order dated 09.07.2014 shall only apply to cases:

- i. where life sentence has been awarded specifying that-*
 - (a) The convict shall undergo life sentence till the end of his life without remission or commutation;*
 - (b) The convict shall not be released by granting remission or commutation till he completes a fixed term such as 20 years or 25 years or like.*
- ii) where no application for remission or commutation was preferred, or considered suo motu by the concerned State Governments/authorities.*
- iii). where the investigation was not conducted by any Central Investigating Agency like the Central Bureau of Investigation.*
- iv) where the life sentence is under any central law or under Section 376 of the Indian penal Code, 1860 or any other*

similar offence.”

Learned State counsel also submits that in compliance of order dated 23.07.2015 passed by Hon'ble the Apex Court, the premature release cases of the petitioners as well as other prisoners, who have completed their requisite sentence as per policy dated 08.08.2000, have been sent to the State Government. He also submits that the State Government has constituted a State Level Committee headed by the Chief Minister being Jail Minister and the same is under consideration and is likely to be decided within one month.

Learned counsel for the petitioners submits that the matter is pending since 2013 and the petitioners have completed their sentence of more than 20 years as on today.

In view of submissions made by learned counsel for the parties as well as keeping in view the order dated 23.07.2015 of Hon'ble the Apex Court in **Shriharan @ Murugan's case (supra)**, the present petition is disposed of with a direction to the respondents to decide the matter in view of order/policy/law within a period of one month from the date of receipt of copy of this order, failing which the petitioners shall be entitled for interim bail subject to furnishing bail/surety bonds to the satisfaction of CJM concerned till the decision is taken by the Committee.

Disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

August 13, 2015

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