

**CRWP-1084-2014 (O&M)**

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

**CRWP-1084-2014 (O&M).  
Decided on: February 5, 2015.**

**Vijay Kumar**

**..... Petitioner(s)**

**Versus**

**State of Punjab and others**

**..... Respondent(s)**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

**PRESENT Mr.Vijay K. Jindal, Advocate,  
for the petitioner.**

**Mr.J.S.Brar, AAG., Punjab.**

**M.M.S. BEDI, J (ORAL)**

In accordance with law laid down by Hon'ble the Apex Court in **State of Haryana Vs. Jagdish 2010 (2) RCR (Crl.), 464**, in a case of grant of remission of sentence to life convict, the rights will be governed by the policy of remission of the Government existing on the date of judgment of the conviction but in case a liberal policy prevails on the date of consideration of the case of life-convict for pre-mature release, he should be given the benefit thereof.

The petitioner claims that as per the policy Annexure P9, the petitioner is required to undergo 12 years actual imprisonment. Vide Annexure P8, relief has been declined to the petitioner on the ground that he has undergone total sentence of 17 years, 6 months and 23 days including remissions.

State counsel has submitted that the claim of the

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petitioner as per the recent policy of remission can be considered but on account of two years having not elapsed after dismissal of earlier petition it is not feasible to grant any relief to the petitioner.

State counsel has also submitted that no second application for pre-mature release can be received by any authority within two years from the date of previous order rejecting such request.

I have considered the facts and circumstances of the case and also gone through para 12 of the new policy dated 4.4.2013 which prescribes that the policy is only an enabling provision and does not create a right to pre-mature release of a prisoner.

Without expression of any opinion on merits of the case, this petition is disposed of with a direction to the respondent-State to consider the claim of the petitioner on the basis of his eligibility existing today by passing a speaking order within a period of two months as per the policy dated 4.4.2013 or any other policy having come into operation after that date.

**February 5, 2015.**  
**rka**

**(M.M.S. BEDI)**  
**JUDGE**