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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-462-2015
Date of Decision : October 8th, 2015

Subhash Petitioner

Versus

State of Haryana etc. Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. R.N.Kush, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana
for the respondent-State.

SHEKHER DHAWAN, J.

Present writ petition under Article 226 of the Constitution of India for seeking direction to the respondents to release the petitioner prematurely as per instructions of Government of Haryana.

As per the petitioner, he is a convict and undergoing Life Imprisonment in case FIR No. 1013 dated 11.9.1997 under Section 302/34 IPC registered at Police Station City, Hisar.

As per latest custody certificate, produced on record by learned State counsel, the petitioner has already undergone total sentence of 11 years 10 months and 6 days and with remissions, he has undergone 15 years 5 months and 22 days.

As per custody certificate, in another case, the petitioner was also convicted and sentenced by learned Additional Sessions Judge to undergo imprisonment for Life in FIR No. 401 dated 11.09.2001 under

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Section 341, 307, 148 and 149 IPC and Section 25 Arms Act at Police Station, City Hisar. On an appeal filed by the petitioner being CRA-D-582-DB of 2007, the sentence awarded to him was reduced from Life Imprisonment to 12 years vide judgment dated 28.5.2007.

Learned counsel for the petitioner submitted that as per instructions prevailing at the time of conviction of the petitioner, a life prisoner has to be released prematurely after undergoing 10 years of actual sentence and 14 years of total sentence with remissions. The petitioner has already completed the required sentence in June, 2014. More so, the conduct of the petitioner in the Jail remained good. So, the petitioner be ordered to be released pre-maturely from custody.

Learned State counsel contended that as the petitioner was convicted vide judgment dated 16.2.2000, his case for pre-mature release is to be governed by the policy dated 4.2.1993 as amended on 16.3.1999 which was prevalent at the time of his conviction. It has not been disputed that the petitioner has undergone total sentence of 11 years 10 months and 6 days and with remissions, he has undergone 15 years 5 months and 22 days. He has further submitted that earlier due to stay order granted by Hon`ble Supreme Court, the cases of life convicts were not being considered by the State Government but now, pursuant to interim order dated July 23, 2015, the pre-mature release cases of Life convicts, covered under the policies issued by the State Government, are being considered. He has further submitted that the petitioner has neither made nor has annexed any representation seeking the relief of pre-mature release, as claimed in the present petition.

In view of the above, this writ petition is disposed of with a

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direction to the respondents that if the petitioner makes a representation seeking relief of pre-mature release the same shall be decided by passing a speaking order, taking into consideration the policy regarding pre-mature release of life convicts in vogue on 16.02.2000 [the time of conviction of the petitioner], within a period of two months thereafter, failing which the petitioner will be released to the satisfaction of District Magistrate, Hisar on usual terms and conditions.

(SHEKHER DHAWAN)
JUDGE

October 8th, 2015
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