

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

Criminal Writ Petition No.1676 of 2014

Decided on:-12.05.2016.

Kamlesh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr.R.K. Bagga, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer made in the instant petition filed under Article 226 of the Constitution of India, is for issuance of a direction to respondent No.5 to forward the premature release case of the petitioner to respondents No.1 to 4. A further prayer has also been made to direct the respondents to release the petitioner prematurely from jail, as the petitioner has completed his period of sentence i.e. more than 16 years and 02 months and has also earned remissions of more than 04 years, as per the Govt. instructions prevalent at the time of his conviction.

Learned counsel for the petitioner contends that the petitioner is entitled to be released prematurely in view of the Haryana Govt. policy dated 12.04.2002. He further contends that

despite the fact that the petitioner has completed his requisite sentence and his case falls within the ambit of Haryana Govt. policy dated 12.04.2002, respondents-authorities have not passed any order releasing the petitioner prematurely.

Learned counsel for the State has already filed reply dated 11.07.2015 by way of affidavit of Superintendent District Jail, Yamuna Nagar. As per the reply, the premature release case of the petitioner falls under Para 2(aa) (iii) i.e. murder of more than two persons, of the Haryana Govt. Policy dated 12.04.2002, according to which the case of the petitioner can be considered only after completion of 20 years of actual sentence including undertrial period and 25 years of total sentence including remissions.

I have heard learned counsel for the parties.

Considering the stand taken by respondent-State of Haryana, present petition is disposed of with a direction to the respondent-State to consider and decide the case of the petitioner for premature release in accordance with law, within two months from today in term of the policy dated 12.04.2002.

However, in case petitioner will want to supplement his case by making representation, he is at liberty to submit such detailed representation within two weeks from today and respondents-authorities shall consider said representation and will decide the case within two months thereafter.

May 12, 2016
Anjal

(HARI PAL VERMA)
JUDGE