

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

CRWP No.M-1093 of 2015(O&M)
Date of Decision: June 01, 2016

Rajinder Kumar

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vishal Nehra, Advocate
for the petitioner.

Mr.D.R.Singla, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this criminal writ petition under Article 227 of the Constitution of India for issuance of direction to the respondents to release the petitioner in FIR No.RC 7(S)/96-SIU.V. Dated 29.10.1996 under Sections 302, 302 read with 34 and 302 read with 120-B IPC registered at Police Station SIU. V/SIC/II/CBI/New Delhi on completion of his sentence period after giving him benefits of special remissions of sentence granted by the State government from time to time under Section 432 Cr.P.C. and Article 161 of the Constitution of India.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that this is the second petition filed by the petitioner. The earlier petition was dismissed by this Court by holding that the Hon'ble Supreme Court at that time, has stopped remissions for the

category of convicts as reflected in Annexure R-3. The petitioner jumped parole and remained absconding for 3 years 9 months and 8 days. Moreover, in view of the order dated 09.07.2014 passed by the Hon'ble Supreme Court, the case of the petitioner for premature release was not considered. In view of these observations, the petition filed by the petitioner was dismissed.

Now, after the decision of the Hon'ble Supreme Court on the point, learned counsel for the petitioner requested that the case of the petitioner be considered again as per law.

The perusal of the reply filed by the State shows that case of the petitioner will be considered when he completes 20 years of imprisonment excluding the period for which he remained absconding or on parole.

Learned counsel for the petitioner states that the case of the petitioner be again considered as per law as he has completed the requisite period.

Learned State counsel argued that the petitioner was not granted premature release on the ground that he has jumped the parole. Learned State counsel has not shown any law to this Court that on this ground remissions/premature release cannot be granted.

Keeping in view the above facts and after the decision of the Hon'ble Supreme Court, I direct that the case of the petitioner be re-considered by the competent authority preferably within two months from the date of receiving of certified copy of this date, as per law.

Therefore, finding merit in the present petition, the same is allowed.

June 01, 2016
Vgulati

(INDERJIT SINGH)
JUDGE