

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

**Crl. Writ Petition No.1357 of 2015
Date of Decision:- 27.05.2016**

Ramesh Kumar

....Petitioner(s)

vs.

The State of Haryana & another

....Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sham Lal Bhalla, Advocate and
Ms. Manpreet Ghuman, Advocate,
for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

DAYA CHAUDHARY, J. (Oral)

The case of the petitioner is that he was arrested in case FIR No.20 dated 10.02.1999 for offences punishable under Sections 376(2)(g), 506 read with Sections 148/149 IPC, registered at Police Station Sadar Panipat. He was sentenced to undergo imprisonment for life by the trial Court vide its judgment dated 15.01.2001. Thereafter, aggrieved by the said judgment, the petitioner filed Crl. Appeal No.125-DB-2001 titled as **Veer Bhan and others vs. State of Haryana**, which was also dismissed on 26.04.2006.

Learned counsel submits that the petitioner has undergone actual sentence of more than 14 years and 6 months and in case the remissions are included, it comes to 21 years and 1 month. Learned counsel also submits that case of the petitioner is squarely covered by the

Policy dated 08.08.2000 but still the petitioner has not been released.

Learned State counsel has filed reply today in Court and the same is taken on record. It has been mentioned in the reply that Hon'ble the Apex Court vide order dated 9.7.2014, had restrained the State Governments to exercise power of remission to life convicts, but the said order was modified on 23.07.2015. It has also been mentioned in the reply that the convict shall not be released by granting remission till he completes fixed term such as 20 years or 25 years.

The reply filed by the State does not show whether the case of the petitioner is covered by the policy of 2000 or not.

Accordingly, by considering the submissions made by learned counsel for the petitioner, the present petition is disposed of with a direction to respondent No.1 to consider the case of the petitioner within a period of four weeks from the date of receipt of certified copy of this order for premature release. In case the petitioner is found entitled for premature release, in view of policy applicable to him, he be released. In case, for any reasons, the case of the petitioner is not considered within a period of four weeks from the date of receipt of certified copy of this order, the petitioner shall be entitled to be released on interim bail till the decision is taken in the matter.

The petition stands disposed of.

May 27, 2016
poonam

(DAYA CHAUDHARY)
JUDGE