IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Writ Petition No. 1372 of 2015
Date of decision : 14.01.2016

Subhash Chander

..... Petitioner

versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

1.Whether Reporters of local papers may be allowed to see the judgment?
2.To be referred to the Reporters or not?
3.Whether the judgment should be reported in the digest?

Present: Mr. HPS Aulakh, Advocate
for the petitioner

Ms. Mahima Yashpal, AAG Haryana

ANITA CHAUDHRY, J.

The petitioner is seeking premature release in FIR No. 386 registered on 18.08.2000. The petitioner was sentenced to life imprisonment and was convicted under Sections 302, 498, 406 IPC. The appeal filed by the appellant was dismissed on 07.08.2006.

The case of the petitioner is that he was entitled to be considered for release prematurely as per Policy dated 12.04.2002 and he had completed 10 years of actual sentence with necessary remissions as per para 1(b) of the Policy requiring 10 years plus 4 years of sentence and according to the custody certificate Annexure P-4 he had completed that period. The petitioner has further pleaded that his case was initiated and was sent to respondent No. 2 but instead sending the matter to the State the same has been returned with a simple noting that the actual sentence should be 14 years and 6 years of remission, which the petitioner did not fulfill.

Notice was given to the State who have filed their reply and it has

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been pleaded that the petitioner could not claim premature release as a matter of right and it was the sole discretion of the Government to grant premature release considering the behaviour, gravity and nature of offence. It was pleaded that State Government had framed premature release policy and the petitioner is required to undergo 14 years of actual sentence and 20 years of total sentence including remission after deducting the parole period and the petitioner had not undergone the requisite sentence and he was not entitled for premature release.

I have heard both the sides.

As per policy Annexure P-1 case of the petitioner would fall under 1(a)(vi) and (viii) which provides that the case of premature release may be considered after completion of 14 years of actual sentence including under trial period, provided that the total period of such sentence including remissions is not less than 20 years. The custody certificate is available on record. The petitioner does not fulfill the criteria laid down in the policy, therefore, no directions are required to be given.

The petition is dismissed.

January 14, 2016 **(ANITA CHAUDHRY)**
reena **JUDGE**

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