

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

**CRWP No.1616 of 2015**

**Date of Decision: June 02, 2016**

Rajpal

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. A.S. Trikha, Advocate  
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

**FATEH DEEP SINGH, J.**

This petition seeking the exercise of powers under Section 482 Cr.P.C. is by the petitioner-Rajpal, who is presently lodged in District Jail, Jhajjar and has been preferred seeking directions to Superintendent of District Jail, Jhajjar to submit his remission form based on the history ticket of the petitioner. It is averred that since the petitioner has not committed any jail offence was entitled to remission on that score. Notice of the same was given to the respondents, who have filed a detailed reply by way of an affidavit of Satyawar, Deputy Superintendent, District Prison, Jhajjar. It is the stand of the respondent-State that the petitioner was convicted in criminal case bearing No.129 dated 09.06.1995 under Sections 302,148,149 IPC Police Station, Sampla whereby, he was sentenced to

undergo rigorous imprisonment for life and to pay a fine of ₹25,000/- and in default to further undergo rigorous imprisonment for 03 years and 06 months. The criminal appeal of the petitioner stood dismissed vide judgment dated 20.02.2009 of this Court and in consequence of which, the petitioner was admitted in the jail on 30.07.2011 reiterating that the petitioner as per the report of the Court of learned Chief Judicial Magistrate, Jhajjar till the filing of the reply had not paid the fine, therefore, he is supposed to undergo imprisonment for 03 years and 06 months on account of imprisonment in default of payment of fine and has taken the stand that the total under-trial period of the petitioner from 11.06.1995 to 15.01.1996 comes to 07 months and 06 days, conviction period from 02.12.1998 to 21.01.2004 comes to 05 years, 01 month and 20 days and from 30.07.2011 to 10.03.2016 the period of his imprisonment comes to 04 years, 07 months and 10 days and out of this total actual sentence undergone period comes to 10 years, 04 months and 06 days and out of which he has earned remissions of 04 years and has availed of parole for a period of 01 year, 04 months and 10 days and, thus, it is the stand of the State that total sentence undergone by the petitioner comes to 12 years, 11 months and 26 days and, thus, no relief can be granted to the petitioner under the policy.

Upon hearing learned counsel for the petitioner, it is not in any manner put to question that the premature policy pertaining to year 1993 of the Government of Haryana is applicable to the case of the petitioner and as per the same, it is necessary for a convict to have completed 10 years of actual sentence and 14 years of total sentence including remissions. As has been highlighted on behalf of the State, though

the actual sentence undergone by the petitioner is above 10 years, however, the total sentence undergone by the petitioner is less than 14 years which is essential for consideration of his case for premature release in terms of this policy placed on the record as Annexures R-1 and R-2 and which could not be controverted on behalf of the petitioner side. What transpires from this stand of the State that on account of petitioner having been availed of 01 year and 04 months of parole failed to complete the total sentence of 14 years as required by this policy which is essential for the State to initiate premature release case of the petitioner. Since the petitioner does not fulfils this pre-condition is certainly not entitled to any relief.

In the light of the same, no cause for acceding to the prayer of the petitioner is made out. The petition being hopelessly without any merit stands dismissed.

**(FATEH DEEP SINGH)**  
**JUDGE**

**June 02, 2016**  
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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No