

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

CRWP No.1280 of 2016 (O&M)

Date of Decision : 19.12.2016

Jangir Singh @ Jangiara

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Akshay Rana, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for premature release on the ground that as per the policy prevalent on the date of the crime the petitioner had to undergo only 10 years actual sentence whereas he has undergone 12 years actual sentence. However his case has been considered under the policy of 2002. As per the judgment of the Supreme Court in *State of Haryana Vs. Jagdish, 2010 (3) JT 341* it has been clearly stipulated that only that policy can be taken into consideration.

Learned counsel for the petitioner has further argued that the co-accused against whom there were 44 cases (as against 14 cases against the petitioner) was given the benefit of premature release and no reason has been given why in the reply it has been accepted that the case of the petitioner has been considered under the policy of 2002. As regards the

other co-accused it has been mentioned that he was convicted only in one minor jail offence which the petitioner had jumped parole.

Be that as it may, in this view of the matter I deem it appropriate to set aside the order and direct the case of the petitioner to be decided afresh by passing a speaking order.

In the meantime petitioner be released on interim bail to the satisfaction of CJM, Hisar.

Petition stands disposed of.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

19.12.2016
pooja sharma-I

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No