

CRWP NO. 751 OF 2015

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Sr. No.278

CRWP NO. 751 OF 2015

DECIDED ON: May 19, 2016

SATPAL

..PETITIONER

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

- 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. Vijay K. Jindal, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

JASPAL SINGH, J. (ORAL)

By virtue of this criminal writ petition moved by Satpal-petitioner (now confined in District Jail, Rohtak) undergoing imprisonment for life, preferred under Article 226/227 of the Constitution of India seeking issuance of an appropriate writ, order or direction for quashing the impugned order dated June 16, 2014, whereby his premature release case has been rejected.

Undeniably, the premature release case of the convict-petitioner

is covered by the policy notified by the Haryana Government, Jail Department dated August 08, 2000. The prayer for premature release of the petitioner has been declined by the Additional Chief Secretary, Government of Haryana, Jails Department vide order dated June 16, 2014 observing that the victim was brutally killed who was suspected to be a police informer for illegal gains and further holding that it falls within the definition of heinous crime provided under the above referred policy.

The heinous crime has been defined in the Government policy itself issued vide memo No. 36/135/91-1JJ(II) dated August 08, 2000 and as per the contention put forth by learned counsel for the petitioner, the murder alleged to have been committed by the petitioner-convict does fall under Clause xii & xvii of para 2(a). This Court has also considered the aforesaid definition provided in Para 29 of the policy and is of the considered view that approach adopted by the competent authority for declining prayer for premature release of petitioner is not justified. As such, impugned order dated June 16, 2014 is set aside and the competent authority i.e. Additional Chief Secretary, Government of Haryana, Jails Department, is directed to reconsider the case of the petitioner for premature release and take an appropriate action in accordance with law within the period of two months from the date of receipt of certified copy of this order.

May 19, 2016

Ankur

**(JASPAL SINGH)
JUDGE**