

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

Criminal Writ Petition No.154 of 2016

Date of Decision: 05.05.2016

Shamsher Singh

....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.S. Budhwar, Advocate for the petitioner(s)

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in the instant petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *Habeas Corpus* holding that petitioner has been illegally deprived of the benefit of premature release under Haryana Government Policies and that the petitioner is entitled to be released in view of the terms and conditions of the policy dated 08.08.2000(Annexure P-3). A further prayer has also been made to issue a writ in the nature of mandamus directing the respondents to consider the case of the petitioner for premature release, which was recommended to respondent No.2 by respondent No.4, vide letter dated 03.08.2015(Annexure P-4).

Learned counsel for the petitioner contends that the petitioner is entitled to be released prematurely in view of the

policy dated 08.08.2000. He further submits that respondents have recommended the case of the petitioner for his premature release in term of instructions dated 08.08.2000, vide letter dated 03.08.2015, but no decision is being taken thereon.

Reply dated 17.03.2016 on behalf of respondents No. 1 to 4, by way of affidavit of Jagjit Singh, Inspector General of Prisons, O/o the Director General of Prisons, Haryana, Sector-14, Panchkula, has already been filed. Relevant para Nos, 2, 3 and 4 of preliminary submissions of the reply read as under:-

2. That the premature release case of the petitioner fall under para 2(b) of the policy dated 08.08.2000, which was prevalent at the time of their conviction. As per this para, petitioner is required to undergo 10 years of actual sentence including undertrial period and 14 years of total sentence including remissions after deduction of parole period. Petitioner has completed his requisite sentence as per policy and his case is to be considered by the State Level Committee for his premature release.
3. That the petitioner cannot claim the premature release as a matter of right unless the State Government commutes the sentence of a life convict through a written order under appropriate law. The State Government has framed the premature release policies from time to time for consideration of cases of life convicts for their premature release. It is only a concession given by the State Government after considering the behaviour of the convict inside the jail, gravity, nature of offence, manner and circumstances under which the crime was committed etc.
4. That as per para 2(b) of the premature release policy dated 08.08.2000, which was prevalent at the time of his conviction, the case of the petitioner has been prepared for placing before the State Level Committee for its

consideration. The meeting of the State Level Committee will be held shortly as per the convenience of the Chief Minister being Chairman of the State Level Committee.

Learned counsel for the State on the basis of the aforesaid reply submits that the meeting of the State Level Committee is going to be held shortly as per the convenience of the Chief Minister, being Chairman of the said Committee.

I have heard learned counsel for the parties.

Reply was filed on 17.03.2016, but no such meeting has been convened so far. Once a Committee has been constituted to deal with the cases of premature release, it is expected that it meets regularly so that the persons who are entitled to seek premature release cannot be deprived of their legitimate right.

Accordingly, the respondents are directed to convene a meeting of State Level Committee within one month from today and to consider the case of the petitioner for premature release in term of the policy dated 08.08.2000.

With the aforesaid directions, the present petition stands disposed of.

(HARI PAL VERMA)
JUDGE

05.05.2016
'Anjal'