

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRWP No.46 of 2016

Date of decision: February 08, 2016.

Ranbir @ Kupa

... **Petitioner**

v.

State of Haryana and otehrs

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Hoshier Singh Jaswal, Advocate for the petitioner.

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

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

Kuldip Singh, J. (Oral):

In this petition filed under Article 226 of the Constitution of India, the petitioner has sought the quashing of order dated 27.11.2015 (Annexure P-5) passed by the respondent-State, whereby premature release case of the petitioner was rejected.

Suffice to say that the petitioner was convicted in FIR No.430 dated 22.12.1998, registered under Sections 302, 307, 324, 452, 148, 149 IPC and Section 25 of the Arms Act, at Police Station Gohana, District Sonapat.

As per the impugned order, the petitioner has already undergone actual sentence of 11 years 01 month and 29 days and with remissions, total sentence of 14 years 09 months and 24 days.

His case was considered under the premature release policy of 8.8.2000. Normally he would have been entitled to premature release as per the policy of the State Government but the same was rejected on the ground that he absconded during the period of parole for 3 years 2 months and 28 days and the State Level Committee has not recommended his case for premature release and recommended to reconsider his case for premature release after 01 year and 06 months.

The impugned order was passed on 27.11.2015. As per the custody certificate, the petitioner stands acquitted in the said case under the HGCP Act. Therefore, on account of acquittal, the said incident of absconding from parole could not be considered as a ground to decline the premature release.

As such, the impugned order is set aside. The State is directed to again consider the case of premature release of the petitioner and pass the order keeping in view the fact that in the said case of jumping the parole, he has been acquitted by the competent court. The order be passed within 30 days from the date of receipt of a certified copy of this order.

In view of the above, present writ petition is allowed.

February 08, 2016.
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[Kuldip Singh]
Judge