

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

CRWP-676-2016

Date of decision: 29.09.2016

Sunil

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.N. Ganeriwala, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Ritu Bahri, J.

Petitioner is seeking direction to the respondents to release him in accordance with the Haryana Premature Policy/Government instructions (Annexure P-1).

Vide judgment dated 27.01.2004 passed by the Additional Sessions Judge, Rohtak, the petitioner has been convicted and sentenced for commission of offence under Section 304-B IPC. Against the said judgment, petitioner and others had preferred an appeal (CRA-D-326-DB-2004), which was partly allowed and his co-accused namely Hem Chander, Raj Kalan and Anil were acquitted from the charges framed against them. However, conviction of the petitioner was upheld. His claim for pre-mature release has been declined by the respondent-authority vide order dated 20.11.2015 (Annexure P-3) on the ground that he has completed 12 years, 05 months and 05 days of actual sentence, including under trial period and

14 years of total sentence, including remissions. However, he had

committed seven offences during his confinement in jail. His case is covered under Para 2 (a) (xi) of the policy dated 12.04.2002, according to which, premature release case has to be considered after completion of 14 years of actual sentence, including undertrial period, provided that the total period of such sentence including remission is not less than 20 years.

As per custody certificate, the petitioner has undergone 12 years, 07 months and 16 days of actual conviction. He has also been convicted in case FIR No.136 dated 28.04.2007, under Section 20 of Narcotic Drugs & Psychotropic Substances Act, registered at Police Station, Civil Lines, Rohtak.

Reply on behalf of respondent Nos.1 to 3, in the shape of affidavit of Inspector General of Prisons, O/o the Director General of Prisons, Haryana, has been filed.

Heard.

The petitioner has been convicted under Section 304-B IPC. Keeping in view the conduct of the petitioner in jail, his case falls under Para 2 (a) (xi) of the Policy dated 12.04.2002. After going through the reply filed by the respondents, this Court is of the view that the case of the petitioner should be considered after completion of 14 years of actual sentence and 20 years of total sentence as per policy dated 12.04.2002. He can make an appropriate application after completion of such period.

Disposed of accordingly.

29.09.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No