

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

Criminal Writ Petition No.685 of 2016

Date of Decision: 25.05.2016

Anil @ Baba

....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Aman Dhir, Advocate for the petitioner.

HARI PAL VERMA, J. (ORAL)

Petitioner, namely, Anil @ Bala son of Shri Rattan Chand resident of village Juan, Police Station Muhana, Distt. Sonapat, now confined in Central Prison, Karnal, has filed the instant petition under Article 226 of the Constitution of India, for issuance of a direction to the respondents to decide his premature release case in the light of Government of Haryana Notification dated 12.04.2002 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Sulinder Kumar, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondents.

Learned counsel for the petitioner contends that the petitioner was convicted under Sections 302/148/149 IPC by learned Addl. Sessions Judge, Sonapat, vide judgment dated 20.03.2006 and was sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/- along with other co-accused and in default thereof, to further undergo rigorous imprisonment for a period of three months. He further submits that the appeal i.e. CRA-D-279-DB-2006, preferred by the petitioner against the conviction and sentence was also

dismissed by this Court vide judgment dated 06.08.2009. He also submits that the petitioner has undergone actual sentence for a period of 11 years and 23 days and alongwith remission, the sentence comes to 16 years and 06 days, as on 09.02.2016. Therefore, the petitioner is entitled to be released prematurely in view of the Government of Haryana Notification dated 12.04.2002 (Annexure P-2) and even the jail authorities vide communication dated 05.08.2015 (Annexure P-3) have forwarded the case of the petitioner to Director General of Prisons, Haryana with recommendation to consider his premature release case in terms of the Government of Haryana Notification dated 12.04.2002 and to place before the State Level Committee, who is competent to consider the release of such convicts, but no decision has been taken thereon so far.

Heard.

Without commenting on the merits of the case, but while considering the communication dated 05.08.2015 (Annexure P-3) made by respondent No.3-Superintendent of District Prison, Karnal and addressed to respondent No.2 i.e. Director General of Prisons, Haryana, the instant petition is disposed of with a direction to the respondent-authorities to convene a meeting of State Level Committee within three months from today and to consider the case of the petitioner for premature release in terms of the Government of Haryana Notification dated 12.04.2002

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

(HARI PAL VERMA)
JUDGE

25.05.2016
'Anjal '