

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

**Criminal Writ Petition No.733 of 2014 (O&M)
Date of Decision: November 16, 2017**

Dharmender

.....PETITIONER(s).

VERSUS

State of Haryana and other

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Manoj Kaushik, Advocate
for the petitioner (s).

Mr. Deepak Grewal, D.A.G., Haryana.

SURINDER GUPTA, J.

This is criminal writ petition filed under Article 226/227 of Constitution of India for setting aside order dated 05.03.2014 (Annexure P-1) passed by the Additional Chief Secretary, Jails Department, Haryana, vide which the petitioner's premature release case has been rejected.

Heard.

The case of premature release of petitioner was considered by the competent authority and vide order dated 05.03.2014 and petitioner was not found eligible for premature release at this stage, as per provisions of para 2 (a) (vi) and (viii) of Premature Release Policy of 2002. It is a case where the petitioner was convicted for the offences punishable under Sections 364-A, 384, 452 read with Section 120-B of Indian Penal Code and 25 Arms Act. Para 2 (a) (vi) and (viii) of the Policy of 2002 regarding

premature release of life convicts reads as follows:-

“2. In supersession of Haryana Government Memo No.36/135/91-1JJ(II), dated 08.08.2000, which was further substituted bearing same number and date on 23.02.2001, the Government have decided to revise the Policy regarding premature release of life convicts as follows:-

- | | | |
|--------|---|--|
| (a) | Convicts who have been imprisoned for life having committed a heinous crime such as:- | Their cases may be considered after completion of 14 years actual sentence including undertrial period provided that the total period of such sentence including remissions is not less than 20 years. |
| (vi) | Murder in connection with dowry; | |
| (viii) | Murder of a woman; | |

From the perusal of order dated 05.03.2014 and the provisions of para 2 (a) (vi) and (viii) of Policy of 2002, it is apparent that the case of the petitioner does not fall under Para 2 (a) (vi) and (viii) of the Policy of 2002. As to whether any other provision of the Policy is applicable in the case of petitioner has not been considered by the competent authority while observing that he is not eligible for premature release.

Keeping in view the above fact, this petition is allowed. Order dated 05.03.2014 is set aside with direction to the competent authority to reconsider the case of the petitioner as per provisions of 2002 Policy within a period of three months of the receipt of copy of this order.

November 16, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No