

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-W-330-2015 in/and
Crl. Writ Petition No.299 of 2015 (O&M)
Date of decision: May 23, 2017

Amit Kamboj

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S.Rana, Sarvesh Kumar Gupta and
Mr. Akshay Rana, Advocates
for the petitioner.

Mr. Tanuj Sharma, Asstt. AG, Haryana.

SURINDER GUPTA, J.(Oral)

Learned State counsel submits that the case of the petitioner for his pre-mature release is to be considered under Rule 2(b) of Government Policy dated 8.8.2000, a copy of which has been placed as Annexure P-1.

Rule 2(b) reads as follows : -

Adult life convicts who have been imprisoned for life but whose cases are not covered under (a) above and who have committed crime which are not considered crime which are not considered heinous as mentioned in clause (a)	Their cases may be considered after completion of 10 years actual sentence including undertrial period provided that the total period of such sentence including remissions is not less than 14 years.
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As per the above rule, the case of an adult life convict is to be considered after completion of 10 years actual sentence provided that total period of such sentence including remissions is not less than 14 years. As

undergone more than 14 years of sentence including remissions by now.

While disclosing the reasons for not releasing the petitioner, learned State counsel submits that he has not earned remissions of 4 years, as such, he has not been allowed the benefit of premature release. Rule 2(b) of the above policy, nowhere require mandatory remission period of 4 years. It states that total period of sentence should not be less than 14 years which also include remission period.

It is clear on perusal of the above that remission period may be six months, one year, two years or even more while computing total sentence period of 14 years.

In view of this, the present petition filed by the petitioner is accepted and the respondents are directed to re-consider the case of the petitioner as per Government policy dated 8.8.2000 (Annexure P-1) for his pre-mature release within a period of six weeks from the date of receipt of a certified copy of this order .

May 23, 2017

Paritosh Kumar

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No