

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

**CrWP No. 1169 of 2016
Date of decision : 02.03.2017**

Sanjay Kumar

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. D.R. Singla, DAG, Haryana

RITU BAHRI , J. (Oral)

The present petition under Article 226 of Constitution of India is for issuance of direction to respondent No. 1 and 2 to grant special remissions dated 16.08.2014 and 12.05.2015.

Petitioner is undergoing imprisonment in F.I.R No. 260 dated 11.08.2003 under Sections 406/498-A/304-B IPC and was convicted for life on 10.02.1999. The appeal against the conviction has been dismissed by this Court.

On notice, a reply dated 19.09.2016 has been filed on behalf of respondent Nos. 1 and 2 stating therein that the petitioner has undergone 16 years 09 months and 26 days of total sentence as on 17.09.2016 and as per Annexure P-1, the remission will not be granted to the life convicts in view of order dated 09.07.2014 passed by Hon'ble the Supreme Court of India in

Writ Petition (Crl.) No. 48 of 2014.

Thereafter, a short affidavit dated 08.02.2017 has been filed wherein reference has been made to legal opinion dated 24.06.2016 wherein the advice/guidance was sought by Government of Haryana from Addl. Advocate General Haryana (R-1) wherein it has been opined that the benefit of remission announced by Hon'ble Chief Minister, Haryana at the time of independence day on 15.08.2014 cannot be given to the life convicts undergoing sentence of imprisonment in the Jails of the State but the same can be given to the other categories of convicts as mentioned in the remission order dated 15.08.2014.

In view of Annexure R-1, no ground is made out for issuance of direction to respondent No. 1 and 2 to grant special remissions dated 16.08.2014 and 12.05.2015 to the petitioner.

The petition is dismissed.

(RITU BAHRI)
JUDGE

02.03.2017

G Arora