

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

**CRWP No.141 of 2017 (O&M)
Date of Decision: March 21, 2017**

Anil Kumar

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Anju Arora, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition under Article 226/227 of the Constitution of India for issuance of a criminal writ seeking premature release as required under para 1 (b) of Memo No.36/135/91-1JJ (II) dated, Chandigarh the 04.02.1993.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

Learned counsel for the petitioner argued that as per policy of the year 1993 regarding premature release of life convicts and as per clause 2(b), the case of the petitioner is fully covered as adult life convicts, who have been imprisoned for life but whose cases are not covered under 2(a) above and who have committed crimes which are not considered heinous as

mentioned in clause 2(a) above; their cases may be considered after completion of 10 years of actual sentence, including undertrial period, provided that the total period including remissions is not less than 14 years. Learned counsel for the petitioner argued that as the case of the petitioner falls under clause 2(b), therefore, he is entitled for premature release.

On the other hand, learned State counsel argued that case of the petitioner is not covered under clause 2(b) rather, it is covered under clause 2(a), where the convict has been imprisoned for life for having committed a murder exhibiting brutality such as cutting the body into pieces or burning/dragging the body as evidence from the judgment of sentence, persistent bad conduct in the prison etc.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that learned Sessions Judge, Sonipat in the judgment dated 18.08.1998 (Annexure P-1) held that version given by accused cannot be believed in the presence of motive as well as eye-version account given by Hukam Singh and moreover the medical evidence given by PW-1 Dr.S.P.Sharma that Narender was crushed with a truck. In the presence of this medical evidence, testimony of Hukam Singh, father of deceased become more trustworthy and significant that accused Anil bore grudge and he wanted to take revenge. He first of all hit Narender's scooter. Narender fell down, Anil stopped the truck, at a small distance, saw back side and took the truck in back side in back-gear at a fast speed and crushed Narender. So, accused Anil intentionally caused murder of Anil to take revenge of being beaten by Narender twice.

In view of the findings given by learned Sessions Judge,

Sonipat, it is a brutal murder. Furthermore, the order dated 22.09.2016 passed by competent authority shows that the case of the convict falls in para 2(a) of the above policy. The convict has also committed seven jail offences and is also involved in five other criminal cases like Arms Act, parole Act, threatening etc. He is also danger to public safety. The perusal of the order dated 22.09.2016 shows that it has been passed as per law and no illegality has been committed.

In view of the above discussion, no ground is made for premature release of the petitioner.

Therefore, finding no merit in the present petition, the same is dismissed.

March 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No