

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

Criminal Writ Petition No.57 of 2017 (O&M)

Date of Decision: September 27, 2017

Manoj

.....PETITIONER(s).

VERSUS

State of Haryana and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ram Niwas Kush, Advocate
for the petitioner (s).

Mr. Amrik Narwal, D.A.G. Haryana.

SURINDER GUPTA, J.

This is criminal writ petition under Article 226 of the Constitution of India for seeking directions by way of writ of mandamus to the respondents to allow premature release of petitioner Manoj as per 2002 Policy of State of Haryana.

Heard.

Petitioner was denied premature release for the reasons recorded in second para of the order which reads as follows:-

“The date of the conviction of this life convict is 10.07.2002. So, the policy of Premature Release dated 12.04.2002 is applicable in this case. His case falls under para 2(a)(xi) to (xii) (Persistent bad conduct and danger to public safety) of the above policy. This convict had been involved in 14 other serious criminal offences of Conspiracy, Arms Act, Excise Act, Theft, Kidnapping and attempting to murder and rape etc. This convict is danger to public safety and also absconded from parole for 04 years 09 months and 01 day.

Accordingly, his case is to be considered after completion of 14 years of actual sentence including under trial period provided that the total period of such sentence including remission is not less than 20 years.”

Learned State counsel while referring to the reply filed by State has drawn my attention to Annexure R1 list of cases registered against the petitioner so far. As per Annexure R1, 12 cases have been registered against the petitioner so far and he was acquitted in all but two cases bearing FIR No.69 dated 18.04.2005 registered for offence punishable under Sections 8/9 of Haryana Good Conduct of Prisoners (Temporary Release) Rules, 1988 and sentenced to imprisonment already undergone by him and in case FIR No.20 dated 08.01.2010 under Section 174-A IPC, Police Station Tohana, wherein also he was sentenced to undergo imprisonment for the period already undergone by him. While declining premature release, it was observed that he was involved in 14 serious criminal cases of conspiracy, Arms Act, Excise Act, theft, kidnapping, attempting to murder and rape etc. After acquittal, the reasons given in the order do not survive.

Keeping in view the above facts and circumstances, this petition is allowed. Order dated 22.09.2016 is set aside and competent authority is directed to reconsider the case of the petitioner as per Policy of Premature Release dated 12.04.2002 within a period of two months of the receipt of copy of this order.

September 27, 2017

Sachin M.

**(SURINDER GUPTA)
JUDGE**

***Whether speaking/reasoned:
Whether Reportable:***

***Yes/No
Yes/No***