

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

**CRWP-677-2017 (O&M)
Date of Decision: 01.02.2018**

Sunder

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sham Lal Bhalla, Advocate,
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant criminal writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a criminal writ for premature release of the petitioner who, at the time of filing of the petition, had completed the sentence of 15 years, 09 months and 24 days and earned remissions of 04 years, 10 months and 29 days, thereby making the total undergone sentence of 20 years, 08 months and 23 days.

In brief, the facts are that the petitioner herein was arrested in case FIR No. 110 dated 28.04.2001, under Sections 376(g), 302, 364, 201 and 34 of the Indian Penal Code, registered at Police Station Matlauda, District Panipat and was sentenced to undergo imprisonment for life. After having undergone the actual sentence of imprisonment as mentioned above, the petitioner herein seeks premature release having completed sentence as required under the law.

Learned counsel for the petitioner contends that as per the judgment rendered by the Apex Court in ***State of Haryana and others vs. Jagdish, Criminal Appeal No. 566 of 2010***, the petitioner is entitled to be released prematurely.

Per contra, learned counsel for the respondent-State submits that the petitioner herein is not entitled to grant of premature release as claimed by him. It is argued that in the judgment relied upon by the petitioner herein i.e. ***State of Haryana and others vs. Jagdish (supra)***, the Apex Court had concurred with the judgment rendered by the High Court wherein it had been held that the “*case of the person was to be considered on the strength of the policy that was existing on the date of his conviction*”.

I have heard learned counsel for the parties.

The petitioner herein has been convicted in FIR No. 110 dated 28.04.2001 by judgment and sentence dated 06.11.2003 and he is to be considered for grant of premature release in accordance with policy that was in existence as on that date.

In view of above, this petition is being disposed of by giving a direction to the State of Haryana to decide the case of the petitioner for grant of premature release in terms of the policy pertaining to premature release applicable to him within a period of two months on receipt of certified copy of this order.

01.02.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No