

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 11625 -2018 (O&M)
Date of decision: 05.12.2018

Raju @ Raj Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Ms.Minakshi Poswal, Advocate for the petitioner
Mr.Nishchal Mann, DAG Haryana

- 1. Whether Reporters of Local newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner was convicted and sentenced vide judgment of conviction and order of sentence dated 12.4.2002 passed by learned Additional Sessions Judge, Gurugram under Section 364-A and 302 read with Section 34 IPC for allegedly kidnapping a child and committing his murder.

The petitioner seeks premature release on the ground that he has undergone the actual sentence of 7 years since the time of his arrest.

In the reply, the State has taken a stand that case of the petitioner is covered under clause 2(aa)(ii) of the Policy dated 12.4.2002 as he had committed murder after kidnapping a child for ransom. Copy of the policy has been attached. In the said policy, it is stipulated that in such case, the petitioner is required to undergo actual imprisonment of 20 years and with remission imprisonment of 25 years. In the present case, the

petitioner has undergone the actual sentence of little more than 17 years and with remissions little more than 20 years. Therefore, his case is not covered under the said policy.

It being so, the petitioner cannot be prematurely released.

The petition is dismissed accordingly.

05.12.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes

Whether Reportable: No