

In the High Court of Punjab and Haryana at Chandigarh

CWP No.12604 of 2018

Date of decision: September 11, 2018

Mahinder Singh @ Gabbar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. V.S. Rana, Advocate for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is confined in Central Jail, Hisar, who is aggrieved against the order passed by the Additional Chief Secretary to Government Haryana, Jails Department dated 13.06.2016. His application for pre-mature release has been declined. The petitioner has already suffered 10 years, 08 months and 12 days of actual sentence and total 14 years as on 27.06.2016.

The petitioner was convicted and sentenced on 14.03.2002. The policy dated 08.08.2000 is thus applicable to his case in regard to pre-mature release. The allegation against the petitioner is that he along with co-accused killed the person by setting him on fire by pouring kerosene oil on him.

Learned counsel for the petitioner could not deny this fact that he has been tried and convicted for the said offence and has been suffering life sentence thereafter.

Learned counsel for the State has submitted that the appeal filed by the petitioner before this Court has been

dismissed.

After hearing learned counsel for the parties and taking into consideration the facts of the case, I am of the considered opinion that the case of the petitioner would definitely falls within the definition of heinous crime and Clause 2 (a) (xii) of the policy dated 08.08.2000 would apply as per which the petitioner has to suffer 14 years of actual sentence including undertrial period for the purpose of seeking pre-mature release. Therefore, the petition is totally without any merit and the same is hereby dismissed.

(RAKESH KUMAR JAIN)

JUDGE

September 11, 2018

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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No