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

CWP No.12605 of 2018

Date of decision: September 28, 2018

Jai Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

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

Ms. Safia Gupta, AAG, Haryana.

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 22.09.2016, by which his prayer for premature release has been ordered to be considered after completion of 14 years of actual sentence and 20 years of total sentence with remissions as per the policy dated 16.03.1999.

The petitioner was tried in a case registered vide FIR No.77 dated 05.04.1998, under Sections 302, 307, 120-B/34 IPC at Police Station Agroha, District Hisar and was convicted and sentenced for life imprisonment. The appeal filed by the petitioner against his conviction and sentence was also dismissed by this Court. According to the petitioner, his case is covered under Clause 2(b) of the policy dated 16.03.1999 as he was convicted in the year 2000. According to him, Clause 2(b) of the policy would apply in case of an adult life convict whose case is not covered under Clause 2(a) of the policy and who has not committed any crime which is considered heinous and in such like

cases, the case for premature release is to be considered after completion of 10 years of actual sentence and 14 years of total sentence with remissions.

Vide the impugned order dated 22.09.2016, respondent no.1 had found that as on that date, though the petitioner had completed 12 years 03 months and 08 days actual sentence including undertrial period and 16 years, 05 months and 24 days total sentence including remissions after deducting parole period but his case would fall within Clause 2(a) of the policy on account of his persistent bad conduct in prison and danger to public safety as he was involved in 7 other criminal cases. Besides this, during his parole period, he was involved in a case of NDPS Act on 01.09.2011 and was convicted and sentenced for 10 years RI on 25.08.2014. During the imprisonment, he had tried to obtain opium from his wife and was warned for taking sulfa.

Counsel for the petitioner has submitted that even in the reply, the respondents have mentioned that the petitioner has been convicted and sentenced for 10 years by the Special Judge, Hisar, in FIR No.190 dated 01.09.2011, registered under Section 18 of the NDPS Act, 1985 at Police Station Agroha on 25.08.2014; convicted and sentenced on 01.06.2009 to undergo RI for three years by the Additional Sessions Judge, Sirsa in FIR No.196 dated 03.05.2011, registered under Sections 120-B, 420, 511, 467, 471 IPC at Police Station City, Sirsa in which he has already undergone by this Court on 25.07.2013 in Crl. Revision No.1711 of 2009 and convicted and sentenced on 11.08.2000 for two years RI by the ACJM, Bhadra in FIR No.381/1997, under Sections 224/225 IPC, registered at Police Station Bhadra, in which he was released on 08.04.2014 on expiry of sentence. Apart from

above, the petitioner has been acquitted in three other cases and one case was got registered under the NDPS Act against Vijender who wanted to supply opium to the petitioner during Mulakat.

Counsel for the respondents has submitted that the petitioner's case would be of persistent bad conduct in the prison and those who cannot for some definite reasons be prematurely released without danger to public safety.

On the other hand, learned counsel for the petitioner has referred to a decision of this Court rendered in the case of **Jangir Singh @ Jangiara vs. State of Haryana and others**, CRWP No.1280 of 2016, decided on 19.12.2016 to contend that in that case, it was observed that the co-accused, against whom 44 cases as against 14 cases against the petitioner therein were registered, was given the benefit of premature release.

Learned counsel for the respondents has further submitted that in **Jangir Singh @ Jangiara's case (supra)**, the co-accused of the petitioner therein was involved only in a minor jail offence and the petitioner Jangir Singh @ Jangiara had jumped the parole, whereas in the present case, the petitioner had committed a serious offence during the parole under the NDPS Act, for which he has been convicted and sentenced for 10 years RI.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that there is no merit in the present petition. As per the policy dated 16.03.1999, the convict has to maintain good behaviour during the period of his imprisonment so as to come within the ambit of Clause 2(b) of the policy. However, in the present case, the conduct of the petitioner was persistently bad during the imprisonment inasmuch as when he was released on parole, he involved himself in a case of

NDPS Act, for which FIR was registered against him on 01.09.2011 and he was convicted on 25.08.2014 for 10 years RI. The said sentence, awarded in 2014, is going to expire in 2024. Moreover, another FIR No.260 dated 14.05.2012 was registered under Section 17 of the NDPS Act at Police Station Civil Lines, Hisar when the petitioner tried to smuggle opium in the jail. Similarly, he was convicted and sentenced on 01.06.2009 in FIR No.196 dated 03.05.2001. Besides this, there is allegation against the petitioner of bringing sulfa in the jail. All these facts are sufficient to hold that the conduct of the petitioner was persistently bad in the jail and, thus, he cannot be given the benefit of premature release just for the sake of it.

The writ petition is thus dismissed being denuded of any merit, though without any order as to costs.

September 28, 2018
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(Rakesh Kumar Jain)
Judge

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