

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

CWP-22835-2018 (O&M)

Date of decision : 7.12.2018

Baljit

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Atul Gaur, Advocate for
Mr. Ram Niwas Kush, Advocate for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

This is a petition filed under Article 226 of the Constitution of India seeking directions in the nature of writ of mandamus to release the petitioner-Baljit prematurely.

Heard.

Affidavit dated 13.12.2018 of Dr. S.S. Prasad, Additional Chief Secretary to Government, Haryana, Jails Department, on behalf of respondent No.1 filed in Court today is taken on record.

From the impugned order dated 17.8.2017 (Annexure P-1), passed by Additional Chief Secretary to Government Haryana Jail Departments, it comes out that Haryana Government rejected the case of the petitioner stating that petitioner who is a life convict has committed a heinous crime of killing two persons and given injuries to two other persons with sharp edged weapon.

On the last date of hearing, an affidavit of the State was called in which the State has taken that as per the judgment only one person was killed, it would follow that the petitioner may not be covered under the imagination of the heinous crime and he may have to undergo lesser period for being considered for pre-mature release.

I am of the view that impugned order dated 17.8.2017 (Annexure P-1), passed by Additional Chief Secretary to Government Haryana Jail Departments, Haryana Government is factually incorrect and accordingly the same is hereby set aside.

Respondents are directed to reconsider the case of the petitioner after going through the judgment of the trial Court and pass a fresh order thereon within a period of three weeks from the date of receipt of copy of this order.

Disposed of.

(KULDIP SINGH)
JUDGE

7.12.2018

preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No