

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

CWP No.23228 of 2018
Date of Decision:04.10.2018

Gurtej Singh

. Petitioner

Vs.

State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Rahul Deswal, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

This petition is filed for seeking a writ in the nature of certiorari for quashing the order dated 25.4.2018 by which application filed by the petitioner for his premature release has been dismissed.

In short, the petitioner is confined in Central Jail-I, Hisar. He has been tried in a case registered vide FIR No.204 dated 6.5.1998 under Sections 364A read with Section 34 of the IPC at Police Station Ratia, District Fatehabad and has been sentenced for life imprisonment by the Additional Sessions Judge, Fatehabad vide his order dated 9.8.2002. The petitioner had suffered actual sentence of 10 years 03 months and 10 days and total sentence of 14 years and 26 days as on 01.01.2018. He has applied for premature release in terms of the Policy dated 12.4.2002 alleging that his case would fall in paragraph (b) of the Policy as per which he has to suffer 10 years of actual sentence and 14 years with remission to claim premature release. However, the State Level Committee, considered the application of the petitioner and

rejected the same on the ground that his case is covered under Para 2(a)(xiv) of the Policy.

Learned counsel for the petitioner has submitted that the case of the petitioner has been wrongly rejected by the impugned order as no harm was caused to the kidnapped child.

I have heard learned counsel for the petitioner and after perusal of record, am of the considered opinion that there is no error in the impugned order. The case of the petitioner would fall in the definition of heinous crime, in terms of para 2(a)(xvii) of the Policy dated 08.08.2000, which has been so held also by this Court in ***CRM-M-11355 of 2012*** titled as “***Vinod Vs. State of Haryana and others***” decided on 20.09.2012.

Consequently, the present petition is found to be without any merit and hence the same is hereby dismissed.

04.10.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*