

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

CWP No. 8050 of 2018

Date of Decision: 13.09.2018

VED PARKASH

..... Petitioner

V/s.

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

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

Mr. Saurabh Mohunta, DAG, Haryana.

RAKESH KUMAR JAIN, J. (Oral)

The application dated 17.03.2018, moved by the petitioner, received from the Jail was treated as a Civil Writ Petition in which notice was issued on 02.04.2018. Thereafter, Mr. Rahul Deswal, Advocate has started appearing on behalf of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner was tried in a case registered vide FIR No. 586 dated 25.11.1991 under Section 302 of the Indian Penal Code at Police Station City Rewari. The allegation against the petitioner is of committing murder of his wife namely; Kamla Devi. The petitioner was convicted and sentenced vide order dated 21.10.1999 for life imprisonment besides fine. Thereafter, petitioner filed a criminal appeal i.e. CRA-D-572-DB of 1999 which was dismissed on 09.09.2008. Learned counsel for the petitioner has submitted that the petitioner is entitled to be released in view of the policies dated 04.02.1993 and 16.03.1999 (Annexure A-1 and A-2 respectively) because he was convicted on 21.10.1999. According to the petitioner, even if he has

committed the heinous offence, his case would fall under Clause (a) of the said Policy as per which he has to suffer 14 years of actual sentence and 20 years of total sentence with remissions. It is submitted that the petitioner has suffered the actual sentence of 15 years 4 months and 24 days but the total sentence suffered is 19 years 6 months and 23 days as on 18.07.2018.

Learned counsel for the petitioner has submitted that the remissions given to the petitioner has not been counted in his total sentence. On this premise, learned State counsel was asked to seek instructions and the Jail Superintendent, Kurukshetra was directed to be present in the Court. Accordingly, Dr. Sanjay Singh, Jail Superintendent, Kurukshetra has come with record and submitted that the record w.e.f. last quarter of 2001 to first quarter of 2004 has been lost because of floods. According to him, the petitioner can be granted remissions for 72 days for the said period as 2 days' remission is awarded for good conduct and 2 days' remission is awarded for the jail work every month.

It is submitted that in case it is presumed that the petitioner has earned the remissions by his good conduct and jail work then the total remissions, of the period of which the record has been lost would come to 72 days and if the said period of 72 days is added to his kitty of the total sentence then perhaps, the petitioner would have completed the requisite sentence i.e. period of 20 years with remissions.

After hearing learned counsel for the parties and taking into consideration the aforesaid facts and circumstances, I am of the considered opinion that the case of the petitioner is required to be considered by the respondent No. 1-Department of Home, Government of Haryana for his

premature release. Accordingly, this petition is allowed and direction is issued to the Secretary, Department of Home, Government of Haryana to consider the case of the petitioner for the purpose of his premature release in view of the aforesaid observations made by this Court.

It is further directed that needful shall be done within two weeks from the date of receipt of certified copy of this order.

September 13, 2018
Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	Yes / No