

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

CWP No.9047 of 2018 (O&M)

Date of decision: 18.07.2018

Sultan Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S. Lalli, Advocate, for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Ritu Bahri, J.

Petitioner is seeking direction to the respondents to send his case to the State Level Committee for grant of premature release as per policy dated 12.04.2002 (Annexure P-4), as he has already undergone actual sentence of 14 years.

Petitioner, along with other co-accused, was involved in FIR No.227 dated 22.10.2001, under Sections 302/452/148/149 IPC and Section 25 of the Arms Act, registered at Police Station, Ginaur, District Sonapat. After facing trial, he was held guilty and convicted vide judgment dated 12.10.2004 (Annexure P-1) passed by the Additional Sessions Judge, Sonapat.

Learned counsel for the petitioner has referred to the order dated 18.05.2017 passed by this Court in CRWP No.911 of 2016 (Annexure P-7), wherein it was observed that Raghvender, co-accused of the present petitioner, had been released from Jail and the said petition had been rendered infructuous.

Upon notice, reply dated 25.09.2017 has been filed by Deputy

Superintendent, District Prison, Jhajjar. Along with the reply, copy of

Premature Release Policy dated 12.04.2002 has been annexed as Annexure R-1. The case of the petitioner falls under Para 2 sub clause (a) of the said policy. As per the said provision, petitioner has to undergo 14 years of actual sentence, including under trial period provided that the total period of such sentence, including remissions, is not less than 20 years.

As per reply dated 25.09.2017 filed by the Deputy Superintendent, District Prison, Jhajjar, details of the custody period of petitioner is reproduced as under:-

	Y	M	D
1. Undertrial period 05.11.2001 to 11.10.2004	02	11	07
2. Conviction period 12.10.2004 to 23.10.2005	01	00	12
23.03.2007 to 17.09.2017	<u>10</u>	<u>05</u>	<u>20</u>
Actual sentence undergone	14	05	09
3. Remissions earned (+)	<u>04</u>	<u>06</u>	<u>14</u>
Total	18	11	23
4. Parole availed (-)	<u>00</u>	<u>01</u>	<u>26</u>
Total sentence undergone	18	09	27

The above reply was filed on 25.09.2017 and as of today, petitioner has undergone more than 19 years, including remission. Annexure R-2 is the details of the conviction undergone by co-accused Raghvinder son of Sukum Pal, which shows that he (Raghvinder) has been given total remission of 05 years, 16 days as on 16.05.2017. Hence, after adding the remission period, he was released. As per policy regarding premature release of life convicts (Annexure P-4), Superintendent of Jails have to submit premature release cases of life convicts two months before they complete the sentence mentioned

above along with their documents to the Director General of Prisons, Haryana.

In the facts of the present case, the petitioner, has already completed more than 19 years of conviction, including remission. This petition is disposed of by giving direction to respondent No.3-Superintendent, District Jail, Jhajjar, to send the case of petitioner two months prior to completion of 20 years, including remission, to the Director General of Prisons, Haryana, who will forward the case thereafter, to the State level Screening Committee to pass appropriate orders as per Premature Release Policy (Annexure R-1). In the meantime, as and when the petitioner completes 20 years in custody, including remission, he (petitioner) be released on furnishing of personal/bail bonds to the satisfaction of concerned Chief Judicial Magistrate/Competent Authority.

18.07.2018

ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No