

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

CWP-1332-2019 (O&M)

Date of Decision:- 20.12.2019

Manoj

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Subhash Godara, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner Manoj is presently undergoing sentence, having been convicted by the Court of Additional Sessions Judge, Hisar, vide judgement and order dated 8.7.2012 and 10.07.2002 respectively in respect of a case arising out of FIR No. 699 dated 24.11.2000 under Section 302, 449, 506, 323/34 IPC and under Section 25 of the Arms Act, Police Station, City Hisar. The petitioner, having been held guilty of having murdered Bhajan Lal, was sentenced to undergo imprisonment for life.
2. The case of the petitioner for his premature release was earlier considered by the authorities but was declined vide order dated 22.9.2016 (Annexure P-2). The petitioner challenged the said order by way of filing a writ petition in this Court i.e. CRWP No. 57 of 2017 which was allowed vide order dated 27.09.2017(Annexure P-3) and this Court, while setting aside order dated 22.9.2016, directed the authorities to reconsider the case of the petitioner as

per policy dated 12.4.2002(Annexure P-1) within a period of 2 months. Pursuant to aforesaid order dated 27.09.2017, the case of the petitioner was considered afresh by the authorities but was again declined vide impugned order dated 25.12.2017(Annexure P-4).

3. The learned counsel for petitioner has submitted that although the earlier order dated 22.9.2016 (Annexure P-2) had been set aside by this Court vide order dated 27.09.2017(Annexure P-3) on the ground that the FIRs in which the petitioner stands acquitted cannot be taken into account but the authorities concerned have committed the same mistake even at the time when his case was considered afresh and that as such the said impugned order dated 25.12.2017 (Annexure P-4) can not sustain and deserves to be set aside.
4. I have considered aforesaid submission and have also perused the record of the case. Although it is correct that the petitioner stands acquitted in 10 out of the 12 FIRs lodged against him but there is another aspect of the matter which cannot easily be overlooked. The said aspect is that the petitioner had jumped furlough and had remained absconding for a long period of 4 years 9 months and 2 days. In any case this Court finds that it was in the December 2017 when his case for premature release was declined and at that time he had undergone an actual sentence of about 12 years. A period of about 2 years has elapsed ever since declining of his case for premature release. In these circumstances this Court is of the opinion that the the ends of justice would well be served in case the matter pertaining to premature release of the petitioner is considered afresh.

5. The petition, as such, is disposed of with a direction to the authorities concerned to consider the case of the petitioner afresh for his premature release in accordance with the policy and guidelines as applicable to the case of the petitioner. Since the petitioner, as of now, would have undergone an actual sentence of approximately 14 years, the authorities are directed to make efforts to do the needful expeditiously preferably within a period of 3 months from today.

20.12.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No