

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5508-2019

Date of Decision:-16.05.2019.

Rasidan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Jangvir Singh Hooda, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

Petitioner has filed this petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing the respondents to release her husband in terms of policy dated 12.04.2002 (Annexure P-1) as his case has already been recommended by respondent Nos.1 to 3 vide letter dated 20.11.2018 (Annexure P-2) and respondent No.1 has found him fully entitled to be released in view of the terms and conditions of the policy dated 12.04.2002 for premature release of life convicts (Annexure P-1).

Petitioner's husband is undergoing life imprisonment in District Jail, Gurugram in Case FIR No.829 dated 11.09.1996 Police Station NIT Faridabad and CBI case No.10 of 23.02.1999/25.02.2002 RC-16(S)/97-SIU, 1/SIC-1/New Delhi dated 28.11.1997, Police Station SPE/CBI/SIC-I, New Delhi under Sections 302/34, 394 read with 120-B, 201, read with 120-B, 218 read with 120-B and 343 read with 120-B IPC convicted by the learned Additional Sessions Judge, Ambala.

The petitioner had filed appeal vide CRA-D-888-DB-2004, which was dismissed

by this Court on 31.07.2006.

Learned counsel for the petitioner has submitted that the case of the petitioner's husband is fully covered by the policy dated 12.04.2002 (Annexures P-1), as per which the petitioner's husband is required to undergo 14 years of actual sentence and 20 years with remissions. His case falls under para 2(a) (iii) of the Policy dated 12.04.2002 (Annexure P-1).

It has been submitted that case for premature release of the petitioner's husband was recommended vide letter dated 20.11.2018 (Annexure P-2) on the ground that he has already undergone 19 years, 09 months and 04 days of actual sentence and 22 years, 07 months and 12 days as on 20.09.2018. The said letter is kept in abeyance.

Learned State counsel submitted that the matter has been referred to the Central Government and the requisite permission has not been received so far.

In this view of the matter, State is directed to re-consider letter dated 20.11.2018 (Annexure P-2) for premature release of petitioner's husband Abdul Hai in view of the Policy dated 12.04.2002 (Annexure P-1) and pass a speaking order within 90 days from the date of receipt of certified copy of this order.

In the meanwhile, petitioner's husband Abdul Hai be released on interim bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Area Magistrate/Duty Magistrate concerned.

Disposed of.

(RAJ SHEKHAR ATTRI)
JUDGE

May 16, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.