

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-7385-2019

Date of Decision:-21.05.2019.

Satish

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Randeep S. Dhull, Advocate for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

Petitioner has filed this petition under Articles, 226 and 227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to consider his case for premature release on expiry of 10 years actual sentence and 14 years total sentence including remission as per para 2 (b) of the Policy, Annexure P-4 and letter dated 19.02.2003 (Annexure P-5).

Reply by way of affidavit of Sewa Singh, Deputy Superintendent, District Jail, Rohtak dated 18/21.05.2019 along with Annexures R-1 and R-2 on behalf of the respondents is taken on record. Copy thereof given to learned counsel for the petitioner.

Petitioner was convicted by the learned Additional Sessions Judge, Rohtak in FIR No.442 dated 07.08.2003 under Sections 498-A, 304-B, 316 read with Section 34 of the Indian Penal Code registered at Police Station City, Rohtak, District Rohtak and vide order of sentence dated 28.02.2004 he was sentenced to undergo rigorous imprisonment for life with fine of Rs.10,000/- and in case of default of payment of fine, further to undergo for 3 years for the offences

punishable under Section 304-B of IPC. Further sentenced for rigorous imprisonment for a period of 5 years and to pay fine of Rs.5,000/- and in case of default of payment of fine, further imprisonment for a period of 1 year for the offence punishable under Section 316 read with Section 34 IPC. Further sentenced for rigorous imprisonment for a period of 2 years with fine of Rs.2,000/- and in default of payment of fine, further to undergo imprisonment for 06 months for the offence punishable under Section 498-A read with Section 34 IPC.

The appeal filed by the petitioner vide CRA-D-448-DB of 2004 was dismissed by this Court on 18.08.2009.

Learned counsel for the petitioner submitted that case of the petitioner falls under category (b) of para 2 (not heinous crime) of the policy dated 12.04.2002 (Annexure P-4), as per which he is required to undergo 10 years of actual sentence and 14 years sentence with remissions.

As per reply filed by the State, petitioner has already undergone 10 years, 07 months and 29 days of actual sentence and 15 years, 04 months and 14 days of total sentence including remission as on 14.05.2019.

Keeping in view the peculiar facts and circumstances of the case, State is directed to re-consider the matter for premature release of petitioner as per policy dated 12.04.2002 (Annexure P-4) and pass a speaking order within 60 days from the date of receipt of the copy of the order.

Disposed of.

(RAJ SHEKHAR ATTRI)
JUDGE

May 21, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.