

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-9214-2019

Date of Decision:-30.05.2019.

Arvind

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Hoshier Singh Jaswal, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

Petitioner has filed this petition praying for issuance of a writ in the nature of mandamus directing the respondent No.3 (Jail Authority) to accept his request/application for premature release as per Haryana Government Policy/Instructions dated 12.04.2002 (Annexure P-2), applicable at the time of his conviction.

The petitioner was convicted and sentenced to undergo rigorous imprisonment for life under Section 364-A read with Section 120-B with fine of Rs.5,000/- and in default thereof further to undergo rigorous imprisonment for 2 years, further to undergo rigorous imprisonment for 07 years under Section 363 read with Section 120-B with fine of Rs.2000 and in default further to undergo RI for 1 year and further to undergo RI for one year under Section 342 read with Section 120-B of IPC vide judgment and

order dated 17 & 19.08.2006.

As per the reply, petitioner has already undergone total sentence of 17 years, 07 months and 05 days (including remission) as on 16.05.2019.

It has been specifically stated in the reply that as per the policy dated 12.04.2002, case of the petitioner falls under para No.2(a) (xiii) which reads as under:-

“the Premature Release case of the convicts who have been imprisoned for life under section 120-B of IPC, their cases may be considered after completion of 14 years actual imprisonment and 20 years total imprisonment including undertrial period and remission earned.”

Thus, the petitioner has already undergone the requisite period of sentence as per the Policy dated 12.04.2002.

Accordingly, the present petition is disposed of with a direction to the State to reconsider the case of the petitioner for his pre-mature release in view of the Policy dated 12.04.2002 (Annexure P-2) within a period of 60 days from the date of receipt of certified copy of this order.

However, in the meanwhile, petitioner be released on interim bail subject to his furnishing bail bonds to the satisfaction of Chief Judicial Magistrate/Area Magistrate/Duty Magistrate concerned.

(RAJ SHEKHAR ATTRI)
JUDGE

May 30, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.