

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

CRWP-2265-2019

Date of Decision:-18.12.2019

AMAR SINGH

... Petitioner

Versus

STATE OF HARYANA AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sudhir Rana, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court challenging order dated 2.8.2018 (Annexure P-4) whereby his case for premature release has been declined.
2. Learned counsel for the petitioner (life convict) submits that while his case for premature release would be covered under Para No.2(b) of Policy dated 12.4.2002 (Annexure P-1) and consequently he would be entitled to considered for premature release after having completed 10 years of actual sentence and 14 years of total sentence including remissions whereas the State has declined his case for pre-mature release on the premises that the

case of the petitioner is covered under the provision of para No.2(a) (xii) of policy dated 12.4.2002.

3. I have heard learned counsel for the petitioner and also learned State counsel.
4. A perusal of the impugned order would show that the case of the petitioner for his premature release has been declined while observing that since he had been involved in murder case while he had been released on bail, he is a danger to public safety. Although it has also been noticed in the impugned order itself that the petitioner stands acquitted in the said case but while invoking provision of Para No.2(a) (xii) of Policy dated 12.4.2002 which provides that life-convicts, who, for some definite reasons, pose danger to public safety are not entitled to be released till they complete 14 years of actual sentence and 20 years of total sentence including remissions.
5. Upon perusal of the impugned order this Court finds that the order is rather non-speaking inasmuch as the said definite reasons are silent and the only reason recorded therein is involvement of the petitioner in murder case while he was on bail in which he already stands acquitted. Consequently, impugned order cannot be sustain and is hereby set aside. The State Authorities are directed to process case of the petitioner afresh so as to consider his case for premature release as per law.

(GURVINDER SINGH GILL)
JUDGE

18.12.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No