

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-352-2020 (O&M)
Date of Decision:- 13.1.2020

Shakti Singh ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arjun Sheoran, Advocate with
Ms. Neha Sheoran, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking quashing of impugned order dated 6.6.2016 (Annexure P-5) whereby his case for premature release has been declined.
2. The petitioner is undergoing sentence as imposed vide judgment dated 17.5.2004 passed by learned Additional Sessions Judge, Karnal. The sentence, as imposed by the Court below is as follows:

Offence under Section	Sentence awarded	Fine imposed
120-B IPC	Rigorous imprisonment for life	₹7500/- in default of payment of fine rigorous imprisonment for 6 months
364-A IPC r.w. 120-B IPC	Rigorous imprisonment for life	₹10,000/- in default of payment of fine rigorous

		imprisonment for 9 months
302 IPC r.w. 120-B IPC	Rigorous imprisonment for life	₹15,000/- in default of payment of fine rigorous imprisonment for 1 year
201 IPC r.w. 120-B IPC	Rigorous imprisonment for a period of 5 years	₹5000/- in default of payment of fine rigorous imprisonment for 4 months

3. The case of the petitioner was considered for his premature release but was declined vide order dated 6.6.2016 (Annexure P-5). The relevant extract from the impugned order reads as follows:

“After agreeing with the recommendations of the State Level Committee that the his case of convict Shakti falls under Para 2(aa)(ii) of the above said policy hence he is not eligible for premature release at present. As per this para he is required to undergo 20 years of actual sentence including undertrial period, provided that the total period of such sentence including remission is not less than 25 years.”

4. Learned counsel for the petitioner has vehemently argued that his case is in fact covered by para 2 (a) (ix), as per which a convict who has been convicted for murder after abduction or kidnapping the victim is to be considered for his premature release upon completion of 14 years of actual sentence including undertrial period provided that the total period of such sentence includes remissions is not less than 20 years.
5. Learned State counsel has submitted that the case of the petitioner is squarely follows under para 2 (aa) (ii) as it is a case where the victim

had been abducted with an intention of extracting ransom and was later on killed.

6. I have considered rival submissions addressed before this Court and have perused the relevant policy attracted to the case of the petitioner i.e. policy dated 12.4.2002 (Annexure P-6). The relevant extract of which reads as follows:

“2. In supersession of Haryana Govt. memo no.36/135/91-1JJ(II) dated 08.08.2000 which was further substituted bearing same no. and date on 23.02.2001, the Govt. have decided to revise the policy regarding, premature release of life convicts as follows :-

- | | |
|--|--|
| (aa) Convicts whose death sentence has been commuted to life imprisonment and convicts who have been imprisoned for life having committed a heinous crime such as :- | Their cases may be considered after completion of 20 yrs. actual sentence and 25 years total sentence with remissions. |
| (i) Murder after rape repeated/chained rape/unnatural offences | |
| <u>(ii) Murder with intention for the ransom.</u> | |
| (iii) Murder of more than two persons. | |
| (iv) Persons convicted for second time for murder | |
| (v) Sedition with murder. | |
| (a) Convicts who have been imprisoned for life having committed a heinous crime such as:- | Their cases may be considered after completion of 14 years actual sentence including undertrial period provided that the total period of such sentence includes remission is not less than 20 years. |
| (i) Murder with wrongful confinement for extortion/robbery. | |

- (ii) Murder while undergoing life sentence.
- (iii) Murder with dacoity.
- (iv) Murder with offence under TADA Act, 1987.
- (v) Murder with untouchability (Offences) Act, 1955
- (vi) Murder in connection with dowry.
- (vii) Murder of a child under the age of 14 years.
- (viii) Murder of a woman.
- (ix) Murder after abduction of kidnapping.**
- (x) to xxx xxx xxx **(emphasis supplied)**
- (xiv)

7. A perusal of judgment dated 17.5.2004 (Annexure P-1) shows that the Trial Court has returned findings in unambiguous terms that the victim had been abducted for the purpose of ransom. The relevant extract from concluding paragraph of said judgment reads as follows:

“125. Thus, keeping in view my above discussion, it is established from the evidence on record by the prosecution that deceased Girish Kumar was abducted for ransom as a result of criminal conspiracy between accused persons namely Shakti Singh, Rajesh, Badshah, Mohsin, Babu Ali, Kartar Singh. Later on accused Ram Parshad, Gulab Singh and Shamraj also joined to this conspiracy. It is also established that accused Babu Ali, Shakti Singh, Rajesh, Mohsin, Badshah, Gulab Singh, Ram Parshad and Suraj (PO) conspired/planned to kill Girish Kumar and was ultimately murdered by firing shot by Badshah and later on his body was set on fire in order to destroy the evidence.....” **(emphasis supplied)**

8. Keeping in view the aforesaid findings, this Court has no hesitation in holding that it is para 2(aa)(ii) which would be attracted and not para 2(a) (ix).
9. In view of the aforesaid position, this Court does not find any infirmity in order dated 6.6.2016 (Annexure P-5) and the same is upheld. The petition, as such, is dismissed.
10. However, it is ordered that case of the petitioner shall be considered for his premature release as and when he becomes eligible, in accordance with policy dated 12.4.2002 (Annexure P-6). In case any of his representation is pending, the same shall also be disposed of in accordance with law.

January 13, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No