

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

CRWP-1811-2019 (O&M)  
Date of Decision:-21.1.2020

Pawan Kumar ... Petitioner

Versus

State of Haryana and others ... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Hoshiar Singh Jaswal, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.  
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**GURVINDER SINGH GILL, J.**(Oral)

1. The petitioner has approached this Court seeking issuance of a writ in the nature of Mandamus directing respondent No.3-The Superintendent, District Jail, Gurgaon to accept the request/application (Annexure P-3) filed by the petitioner and to consider the case of the petitioner for premature release as per policy of Haryana Government dated 12.4.2002 (Annexure P-2).
2. As per reply dated 18.5.2019 filed by way of affidavit of Sh. Jai Kishan Chhillar, Superintendent, District Jail, Gurugram, the custody period of the petitioner is as follows:

YY-MM-DD

|                    |                                 |          |
|--------------------|---------------------------------|----------|
| Under-Trial period | : From 29-10-2004 to 21.04.2006 | 01-05-23 |
| DAP period         | : From 22-04-2006 to 08-01-2010 |          |
| Conviction period  | : From 17-12-2013 to 18-05-2019 | 09-01-20 |

|                                                    |     |                 |
|----------------------------------------------------|-----|-----------------|
| <b>Actual Sentence</b> :                           |     | <b>10-07-13</b> |
| Less Parole Aailed (16 Weeks)                      | (-) | 00-03-22        |
| <b>Sentence Undergone</b>                          | =   | <b>10-03-21</b> |
| Add Remission Earned                               | (+) | 03-02-11        |
| <b>Total Sentence Undergone (As on 18-05-2019)</b> | =   | <b>13-06-02</b> |

3. The learned counsel for the petitioner has submitted that since now, even as per the stand of the State, the petitioner would have undergone more than 14 years of sentence, therefore, he in any case, would be entitled to be considered for premature release in terms of policy dated 12.4.2002.
4. The learned State counsel has submitted that the State shall consider the case of the petitioner in accordance with the policy applicable to the petitioner and shall take a decision on the same within a period of three months from today.
5. The learned counsel for the petitioner has submitted that the petition may be disposed of accordingly.
6. In view of the aforestated position, the present petition is disposed of with a direction to the State authorities to process the case of the petitioner afresh for his premature release and to consider the same in accordance with the policy applicable to the case of the petitioner for premature release and to take a decision in respect of the same within a period of three months from today.
7. A copy of this order be sent to State authorities concerned to enable them do the needful expeditiously.

**21.1.2020**

pankaj

**( Gurvinder Singh Gill )**  
**Judge**

Whether speaking /reasoned  
Whether Reportable

Yes / No  
Yes / No