

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.1077 of 2021

Date of Decision: 01.04.2021

Jitender alias Jeetu

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Dhirinder Chopra, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana,
for the respondent.

SANT PARKASH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

The instant petition has been filed under Article 226 of the Constitution of India, 1950 read with Sub-section (1) of Section 432 and Section 433 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) for premature release of the petitioner in case FIR No.427 dated 15.10.2010 registered under Sections 302, 120-B, 216 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Sadar Bahadurgarh, District Jhajjar.

Briefly, the petitioner was implicated in case FIR No.230/2007 registered under Sections 420, 467, 468 and 120-B of the Indian Penal Code, 1860 at Police Station DLF Phase-II, Gurgaon and was acquitted vide judgment dated 31.07.2014. Later on, he was tried in aforesaid case FIR No.427 dated 15.10.2010 and in the said case FIR he was convicted and sentenced to undergo imprisonment for life and to pay a fine of Rs.10,000/-

for commission of offence under Section 302 IPC, 1860 and in case of

default of payment of fine to further undergo rigorous imprisonment for 1 year and imprisonment for three years and to pay a fine of Rs.1,000/- for commission of offence under Section 25 of the Arms Act, 1959 and in case of default of payment of fine to further undergo rigorous imprisonment for 6 months. Both the sentences were ordered to run concurrently. Against the said judgment of conviction and order of sentence, the petitioner has filed the appeal which stands admitted. Three applications for suspension of sentence were filed from time to time. As on date, the petitioner has undergone total sentence of more than 11 years 8 months.

Now the present petition has been filed seeking premature release of the petitioner as he is suffering from 3rd stage of Tuberculosis likely to result in death in the near future. Although the petitioner is getting treatment for Tuberculosis but his health is deteriorating day by day. The case of the petitioner is covered by Sub para (d) of Paragraph 2 of the Policy dated 12.04.2002 (Annexure P-2) regarding premature release of life convict, issued by the Government of Haryana.

It is pertinent to mention here that the petitioner had overstayed furlough granted to him and case bearing FIR No.49 dated 10.02.2015 was registered under Sections 8/9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 at Police Station Sadar, Bahadurgar, Jhajjar and he was convicted vide order dated 18.05.2018 and was sentenced to undergo rigorous imprisonment for 6 months and to pay a fine of Rs.1000/-. The sentence of this case would run after expiry of sentence in earlier case.

A detailed and comprehensive reply has been filed on behalf of the respondent-State denying all the pleas taken for the release of the petitioner prematurely. It has been specifically averred that he has not

completed a minimum sentence of 14 years. However, it is the specific stand of the respondent in para No.8 of the reply that petitioner's case is covered by para 2 (b) of the Haryana Government Premature Release Policy dated 13.08.2008 and his case will be considered on completion of 14 years of actual sentence and 20 years of total sentence including remission after deducting parole period. Para 8 of the reply is reproduced as under:-

“8. That the premature release case of the petitioner/convict shall be covered by the para 2 (b) of the Haryana Government Premature Release Policy dated 13.08.2008 and his case will be considered on completion of 14 years actual sentence and 20 years of total sentence including remission after deducting parole period as he has been convicted for life rigorous imprisonment on 08.11.2013 and copy of policy dated 13.08.2008 is annexed as annexure R-2.”

In view of the aforesaid circumstances, after arguing for some time, learned counsel for the petitioner seeks permission to withdraw the present petition.

Accordingly, the present petition is dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

01.04.2021

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No