

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

**CRWP No.977 of 2020 (O&M)
Date of decision :18.01.2021**

Sanjay

.....Petitioner

Versus

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.R.S.Mamli, Advocate assisted by
Mr.Vishal Nehra, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of
COVID-19.

This petition has been filed seeking quashing of the impugned
order dated 01.02.2019 (Annexure P7) passed by the Additional Chief
Secretary to Government of Haryana, Jail Department and further directing
the respondents to release the petitioner on premature release.

The petitioner was convicted and sentenced in case FIR No.268
dated 25.06.2003 under Sections 302 IPC read with 34 IPC and 25 of Arms
Act vide judgment of conviction dated 16.09.2005. He was sentenced to
life imprisonment and to pay a fine of Rs.10,000/- for the offence under
Section 302 IPC and imprisonment of two years six months and fine of

Rs.2000/- for the offence under the Arms Act vide order of sentence dated 19.09.2005 passed by learned Additional Sessions Judge, Karnal. Both sentences were ordered to run concurrently. Appeal against the said judgment is stated to have been dismissed.

Vide the impugned order dated 01.02.2019, the case of the petitioner for premature release has been declined citing that the petitioner had committed heinous crimes at Ambala Cantt. Sadar Gohana and Raipur Rani (Panchkula) during the parole period outside his district where he had to avail the parole as per his declaration mentioned in the release warrant. He is still young and deserves no concession from the government for his premature release. Hence, he is danger to public safety. It has also been stated that the petitioner has completed 15 years 02 months and 25 days actual sentence including under trial period and 18 years 11 months and 24 days total sentence including remissions after deducting parole period, whereas, he has to undergo 14 years actual sentence and 20 years total sentence as per the para 2(a)(xiv) of the policy dated 12.04.2002 which would be applicable to him.

In the reply of the State dated 08.08.2019 filed by Inspector General of Prisons, Haryana, it is stated that the petitioner had undergone actual sentence of 15 years 10 months and 09 days and with remissions it comes to 19 years 10 months and 24 days. It is further stated that the petitioner has undergone the requisite 14 years actual sentence but not 20 years total sentence, which is also required for consideration of his case for premature release as per para 2(a)(xiv) of policy dated 12.04.2002. Hence, his premature release case will be re-considered after completion of 20 years

total sentence, if otherwise found eligible.

The reply was filed on 08.08.2019 when the petitioner was stated to have undergone actual sentence of 15 years 10 months and 09 days, and 19 years 10 months and 24 days with remissions. It is not disputed that by now the petitioner has completed 20 years of sentence including remissions. Accordingly, the petitioner having completed 20 years of sentence is eligible for consideration of his case for premature release under the policy dated 12.04.2002.

In these circumstances, the Respondents are directed to reconsider the case of the petitioner for premature release in terms of the Policy dated 12.04.2002 (Annexure P3). Order be passed within a period of six weeks from the date of receipt of a certified copy of this order.

The petition stands disposed of accordingly.

18.01.2021

Rajeev (rvs)/g

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No