

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(223)

CRWP-2757-2021

Date of Decision : September 29, 2021

Jaswant Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Deswal, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record.

Learned counsel for the petitioner submits that the claim of the petitioner is duly covered by the policy dated 12.04.2002 (Annexure P-3) and according to the said policy, even where a person has been convicted for life for murdering a child below the age of 14 years, actual sentence of 14 years needs to be undergone by the convict or convict has to undergo sentence of 20 years with remission, which criteria, the petitioner fulfills as the petitioner has already undergone 20 years, 03 months and 01 day with remission and actual sentence of 15 years, 08 months and 28 days. Learned counsel for the petitioner further submits that while rejecting the claim of the petitioner vide impugned order dated 08.01.2021 (Annexure P-10), no reason has been given to bypass the policy dated 12.04.2002 though, the

same has been noticed in the impugned order.

Learned counsel for the respondents concedes that the policy dated 12.04.2002 (Annexure P-3) is applicable upon the petitioner for seeking pre-mature release but is unable to point out the reasons for deferring the case of the petitioner despite noticing the policy dated 12.04.2002 (Annexure P-3) and the fulfilling of the criteria by the petitioner. Faced with this situation, learned State counsel submits that a fresh order considering the claim of the petitioner under the policy dated 12.04.2002 (Annexure P-3) will be passed by the respondents-State within a period of 06 weeks from the receipt of copy of this order and in case, petitioner is not to be granted the benefit of the said policy, reasons for the same will be mentioned in the order itself.

Learned counsel for the petitioner submits that as respondent-State has undertaken to pass a fresh order in respect of the claim of the pre-mature release after taking into consideration the policy dated 12.04.2002 (Annexure P-3), petitioner does not press this petition any further and the same may be disposed of as such.

Ordered accordingly.

September 29, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No