

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

**Criminal Writ Petition No. 6790 of 2021 (O&M)
Date of Decision: 28.10.2021**

Jagdish

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Atul Bhatia, Legal Aid Counsel (HCLSC)
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

The petitioner-convict has been convicted by the learned Additional Sessions Judge, Rewari in Session Case No. 15 of 2001 in respect of a charge drawn under Section 302 read with Section 34 of IPC.

Through the instant petition, the petitioner challenges the order of 28.01.2021 (Annexure P-2), where through the life convicts claim for premature release, under policy of 12.04.2002, was deferred. The afore deferment of consideration of the petitioners claim, for premature release, is averred therein, to arise from the factum of his committing a heinous offence, inasmuch as his burning the victim-wife.

However, the afore impugned order borne in Annexure P-2, appended with the petition is legally frail, inasmuch as it breaches the mandate of para-4 of the Policy drawn on 12.04.2002, by the State of Haryana, wherein the relevant parameters are set forth, for consideration by the committee concerned of claims, for premature release of the prisoners, inasmuch they pronounce (a) if he/she has not been punished for any jail

offence, during the last five years; (b) if he/she has been punished with a

minor punishment during the last five years; and (c) if he/she has been punished with a major punishment during the last five years. Since all the parameters carried in above paragraph-4 of the policy appertain to errant post crime conduct of the life convict, and not to the charge drawn against him, in respect thereof, a verdict of conviction, and, consequent, therewith sentence hence becomes imposed upon him. Therefore, when within the ambit of the above referred paragraph-4 of the Policy, the petitioner - life convict, has not shown derelict / errant conduct, rather post or subsequent to his conviction, and, sentence. Therefore, when in respect of the charged crime, even if it was committed in a cruel and brutal manner, it was not open for the respondents, to decline his claim for his being prematurely released, nor to defer the convict's claim for premature release, rather when supra is completely outside the ambit of the policy, and, also openly breaches the above referred parameters, carried in paragraph-4.

Consequently, the petition is allowed, and the respondents concerned, are directed to reconsider strictly in accordance with paragraph-4 of the relevant policy, the petitioner / life convicts claim, for his premature release from prison.

October 28, 2021
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>