

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

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**CRWP-8426-2021
Date of decision: 01.08.2022**

RAKESH ALIAS SUNDU

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Sunil Kumar Pandey, Advocate for
Mr. Anoop Singh Sheoran, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present petitioner had been filed under Article 226 of the Constitution of India seeking issuance of writ in the nature of Certiorari for quashing of the order dated 08.01.2021 (Annexure P-2) whereby the case of the petitioner for pre mature release in case bearing FIR No.282 dated 11.08.1997 registered under Sections 302/34 of the Indian Penal Code, 1860 at Police Station Sadar Bahadurgarh, District Jhajjar has been rejected.

Learned counsel appearing on behalf of the petitioner contends that the case of the petitioner for seeking premature release has been rejected without noticing the policy and despite the fact that the petitioner had actually completed a sentence of 10 years and as per the policy the petitioner was entitled to be pre-maturely released upon completion of the aforesaid actual sentence.

Reply by way of affidavit of Jagjit Singh, Inspector General of Prisons, Haryana has been filed. The relevant extract of the same is reproduced hereinafter below:

“This life convict is a habitual offender and has been involved in eight other serious criminal cases of murder, attempt to murder, dacoity, extortion, proclaimed offender and Arms Act. He had also remained absconded from parole for 01 year, 01 month and 06 days. He has misutilised the Government concession also. The overall conduct of the convict shows that he has not lost his potential for committing crimes. He is still young. This convict is a danger to society. The premature release case of this life convict is covered under para 2(a)(xiv) of the premature release policy dated 08.08.2000, for which he is required to undergo 14 years actual sentence and 20 years total sentence before consideration of his case for premature release. This convict has undergone 11 years, 03 months and 04 days actual sentence and 14 years, 02 months and 18 days total sentence as on 31.03.2020. Hence, he is not eligible for premature release at this stage.”

A perusal of the same shows that the case of the petitioner would fall under Para 2 (a)(xiv) of the Premature Release Policy dated 08.08.2000 for which the petitioner is required to undergo an actual sentence of 14 years out of total sentence of 20 years before consideration of his claim for premature release. As against the same, the petitioner had undergone an actual imprisonment of 13 years and 01 month and 07 days as on 04.02.2022. He further contends that the case of the petitioner shall be considered under the premature release policy dated 08.08.2000 as and when the petitioner would be entitled to the same.

In view of the above, the present petition is dismissed as
withdrawn at this stage.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 01, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No