

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

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CRWP-2885-2022

Date of Decision: 04.01.2023

Ram Niwas

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Ms. Priyanka Sadar, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C is seeking quashing of order dated 13.10.2021 (Annexure P-3) whereby State Government has rejected prayer of the petitioner seeking premature release.

Learned counsel for the petitioner would contend that petitioner has already suffered incarceration of more than 23 years. The petitioner was awarded sentence of life imprisonment and as per policy dated 12.04.2002 framed by State Government, the petitioner fulfills all the requisite conditions, thus, he deserves to be released. The life imprisonment does not mean imprisonment till death. The case of the petitioner squarely falls within parameters of policy dated 12.04.2002. The petitioner has admittedly committed heinous crime, however, policy permits release of convicts of heinous crime.

He further submits that the case of the petitioner has not been considered in the spirit of policy and he confines his prayer to the extent

that his case may be considered by competent authority in the light of policy dated 12.04.2002.

Learned State counsel submits that the petitioner has committed heinous crime, thus, he does not deserve leniency and his case cannot be considered at par with other heinous crimes.

Learned State counsel on being confronted with limited prayer of the petitioner expressed her inability to controvert the same and submits that competent authority would pass a speaking order after considering the case of the petitioner and policy dated 12.04.2002.

Without commenting on the merits of case, this Court finds it appropriate to remand the matter to competent authority to pass appropriate order in the light of crime committed by petitioner and the total period of incarceration as well policy dated 12.04.2002. The competent authority is expected to pass appropriate order within 3 months from today.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

04.01.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>