

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRWP-7583-2021 (O&M)

Date of Decision:- 01.02.2023

Ranbir Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Vikram Singh Punia, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner assails order dated 29.7.2021 (Annexure P-8) passed by Additional Chief Secretary, Government of Haryana, Jails Department, whereby the case of the petitioner for his premature release has been declined.
2. A few facts necessary for disposal of this petition are that the petitioner was booked in FIR No. 413 dated 30.12.2004, Police Station Model Town, Panipat, District Panipat, under Sections 302, 307, 353, 186, 34 IPC and Sections 25/27 of Arms Act, and was convicted along with co-accused Pardeep and was sentenced to undergo life imprisonment for offence under Section 302 IPC, apart

from term sentences for other offences i.e. under Sections 307, 353/186 read with Section 34 IPC vide order dated 11.2.2006 passed by the Court of learned Additional Sessions Judge, Panipat.

3. The petitioner challenged the aforesaid judgment by way of filing an appeal in this Court i.e. Crl. A No.203-DB of 2006 but the same also came to be dismissed vide judgment dated 26.4.2011. The petitioner also preferred SLP before Hon'ble the Supreme Court, but the same was also dismissed.
4. The facts as established during trial, in nutshell, are that the petitioner alongwith co-accused Pardeep and Surinder (since expired), upon being confronted by the police, fired at members of the police party, killing one of them while injuring another.
5. Learned counsel for the petitioner submits that his case for premature release, admittedly is required to be considered in accordance with Policy dated 12.4.2002 (Annexure P-1) and since, he had already completed more than 14 years of actual sentence and more than 20 years sentence including remissions, he was fully covered with the said policy and was entitled to be released. It has been submitted that the Additional Chief Secretary, Government of Haryana, vide impugned order dated 29.7.2021 has been swayed by the fact that the deceased was a police officer and as such, has termed the offence to be heinous offence whereas there is no such provision in Policy dated 12.4.2022. Learned counsel has further submitted that since co-accused Pardeep who was identically situated has already been released prematurely vide order dated 5.8.2022, the petitioner also

deserves the same concession on the grounds of parity and that the petitioner cannot be said to have committed an offence falling under the category of heinous offence. Learned counsel has further submitted that the petitioner had been released on parole on several occasions and had never misused the concession of parole and had always surrendered back within the nominated period.

6. Opposing the petition, learned State counsel has submitted that since the petitioner along with co-accused had fired at the police party, the offence of murder committed by the petitioner would certainly fall within the category of heinous offence and it will not be safe to release him prematurely.
7. This Court has considered the rival submissions.
8. Vide impugned order dated 29.7.2021 (Annexure P-8), the Additional Chief Secretary, has deferred the case of the petitioner for 2 years on the premises that the case of the petitioner falls within the category of 2(a)(xii) of the Premature Release Policy dated 12.4.2002. As regards the factual matrix regarding the allegations found to be established against the petitioner, the same are not disputed. The question before this Court would be as to whether the petitioner can be said to have committed a heinous offence solely on account of the fact that he fired at the police party.
9. This Court is however, unable to agree with the said proposition as has been spelt out in the impugned order. Still further, it remains unexplained as to how the co-accused of the petitioner has been granted premature release as he also is attributed a similar role

regarding firing at the police and as to why in his case the offence was not treated as a heinous offence. Still further, this Court finds that the conduct of the petitioner during jail cannot be said to be bad on any count inasmuch as he has always been surrendering back in time after availing parole and is not even stated to have committed any offence either within the jail or outside the jail.

- 10. In view of the discussion made above, the impugned order dated 29.7.2021 (Annexure P-8) cannot sustain and is hereby set aside. The authorities concerned, are directed to consider the matter afresh and to take a decision expeditiously preferably within a period of 3 months from today.
- 11. Since, it has been informed that the petitioner is presently availing parole, which had been extended from time to time, it is directed that in case, the petitioner is still availing parole, the same shall stand extended till the authorities concerned take a final decision in the matter.
- 12. A copy of this order be conveyed to the authorities concerned immediately so as to enable him to do the needful.

01.02.2023  
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(GURVINDER SINGH GILL)  
JUDGE

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |