

2023:PHHC:099270

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227

CRWP-9711-2021 (O&M)

DATE OF DECISION: 02.08.2023

RAJINDER SINGH

... Petitioner (s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Shailender Singh Momi, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking his premature release under the Policy dated 12.04.2002 (Annexure P-6) as he has already undergone more than the requisite period of sentence.

Learned counsel for the petitioner submits that the petitioner has been convicted and sentenced to undergo life imprisonment under Sections 398, 397, 394, 302, 34 IPC and Section 25 of the Arms Act. He also submits that the petitioner has undergone actual sentence of over 16 years and a total sentence of 19 years and 1 month including remission. Therefore, he is eligible for premature release in terms of the Policy/Instructions dated 12.04.2002.

Learned State counsel has filed the status report by way of an affidavit of Superintendent, District Jail, Karnal which indicates that the petitioner has undergone total sentence of 19 years, 1 month and 1 day including remission. He, while referring to the status report filed by the

respondents, also submits that the petitioner is yet to complete the period of 20 years of total sentence and therefore, he is not eligible at present.

Heard. The petitioner is stated to have undergone total sentence of 19 years, 1 month and 1 day out of the total sentence and an actual sentence of 14 years. In terms of the Policy/Instructions dated 12.04.2002, the petitioner would have to undergo a total sentence of 20 years with remission and an actual sentence of 14 years. Therefore, the petitioner is a few months shy of eligibility for his premature release.

Consequently, the petition is disposed of with a direction to the competent authority to initiate the case of the petitioner three months prior to his eligibility for premature release and final decision be taken positively one month before the completion of the requisite sentence.

Pending application(s), if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

02.08.2023

SwarnjitS

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