

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

CRWP-11597-2021
Date of Decision:-**17.01.2023**

RAM KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. D.N. Ganeriwala, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

This is a writ filed under Article 226 of Constitution of India seeking a writ in the nature of Certiorari for quashing of order dated 19.10.2021 (Annexure P-4) vide which the claim of the petitioner with regard to premature release has been deferred for three years with the following observations:-

“The State level committee in its meeting dated 12.08.2021 has considered this case recommended that this case is over under Para 2(a) of the Premature Release Policy dated 04.02.1993 as amended on 17.07.1997, but keeping in view the nature of crime committed by this

life convict alongwith his co-accused in a gruesome, diabolical and ghastly manner and the manner in which he had shown disrespect to the dead bodies for destroying the evidence and the fact that this life convict also absconded from parole for 01 year, 01 month and 04 days and also misutilised the Government concession, hence, this life convict does not deserve any concession at this stage from the Government and the State Level Committee has recommended that the case for premature release of this life convict be deferred for three years, excluding the special parole period on account of COVID, as no convict has fundamental right of remission or shortening of sentence. In fact, these are privileges granted by the State to the convicted prisoner. The State Government in exercise of its executive discretionary power of remission, is to consider each individual case keeping in view all the relevant factors.

After agreeing with the recommendations of the State Level Committee, the case for premature release of this life convict is deferred for three years excluding the special parole period on account of COVID and will be re-considered after three-years, subject to his good conduct during this deferred period.”

As per the reply filed by the State, petitioner was convicted and sentenced to life imprisonment by the Court of Additional Sessions Judge, Sirsa vide judgment dated 27.7.1998 and the detail of the sentence already undergone by the petitioner as on 16.9.2022 is as under:-

Sr. No.	Sentence undergone	Years	Months	Days
1.	Actual sentence	17	08	17
2.	Total sentence	21	03	12

As the petitioner was sentenced to life imprisonment in 1998, so the policy of premature release of 2000 formulated by the State of Haryana is applicable in the present case. In the same very criminal case co-accused Ram Chander, Sohan Lal, Ranbir @ Randhir and Om Parkash were also sentenced to life imprisonment and it was double murder case.

The counsel for the petitioner has contended that co-accused Ram Chander has already been granted concession of pre-mature release by Haryana Government and accordingly the writ petition filed by said co-convict already stands disposed of. The counsel for the petitioner has further contended that earlier co-convict Om Parkash's case was also ordered to be deferred for a period of 2 years and being aggrieved he filed CWP-21399-2018 and the same was disposed of by this Court vide order dated 16.5.2019 (Annexure P-2) with direction to the State to re-consider the claim of the said petitioner in terms of the aforesaid Policy of year 2000 within a period of 90 days and in the meantime he was ordered to be released on bail subject to the satisfaction of the Court concerned. The counsel for the petitioner further submits that the impugned order was passed on the ground that about 23 years back the petitioner absconded from parole and for which he was penalized. The counsel for the petitioner has further submitted that on that sole ground the case of the petitioner for his premature released could not be deferred for any longer period and specially

when the claim of similarly situated co-convict Ram Chander has been already accepted by the State counsel.

In view of the above as co-convict Ram Chander already stands released, the impugned order (Annexure P-4) is not sustainable in the eyes of law and accordingly the same is hereby set aside. The present petition is disposed of with direction to the State to reconsider the claim of the petitioner in terms of Policy of year 2000 while taking into consideration the good conduct of the petitioner in the recent past. The necessary exercise be completed within a period of 90 days from the date of receipt of a certified copy of this order.

In the meantime, the petitioner is ordered to be released on bail subject to the satisfaction of CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

17.01.2023
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No