

CRWP-916-2024 (O&M)

Date of Decision : 02.02.2024

Raju Mandal

....Petitioner

VERSUS

State of Haryana and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Avtar Singh Bhatti, Advocate for the petitioner.

SUDEEPTI SHARMA, J. (Oral)

1. By way of the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has challenged Order dated 30.11.2023 (Annexure P-4), whereby the case of the petitioner for premature release has been deferred for three years.

2. Learned counsel for the petitioner contends that the case of the petitioner is covered under clause-2(aa)(i) of the Policy of State of Haryana dated 12.04.2002 regarding pre-mature release of life convicts. He further states that in para 4 of the said policy it is stated that the Superintendent of the Jails concerned shall submit premature release cases of life convicts two months before they complete the sentence along with their comments to the Director General of Prisons, Haryana keeping in view the overall conduct of the life convicts during his/her confinement in the jail with specific emphasis, however on his conduct for the last five years from the date of his/her eligibility for consideration of premature release as termed under para 2(aa) to 2(a).

3. I have heard learned counsel for the petitioner and perused the impugned order dated 30.11.2023 (Annexure P-4), wherein it has been observed that the case of the premature release of the petitioner was dealt with by the State Level Committee on 25.10.2023 and it was observed that life convict alongwith other co-accused had committed gang rape on the victim aged about 13/14 years and also committed her murder by administering celphos and then strangled her with a common intention on the intervening night of 06/07.07.2003. Further it was decided by the State Level Committee that though para 2(aa)(i) of the premature release policy dated 12.04.2022 is applicable in this case, however after considering the entire facts with due diligence, detailed deliberations, it was observed that this life convict alongwith other co-accused had committed gang rape, which is most heinous crime and such a person is a potential danger to public safety. Therefore, the case of the petitioner was deferred for three years and further it is stated to be reconsidered after three years.

4. This Court finds no reason to interfere in the impugned order dated 30.11.2023 (Annexure P-4), the same is accordingly affirmed. The present petition being devoid of any merit, is dismissed.

5. Pending applications, if any, also stand disposed off.

February 02, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No