

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-2160-2024
DECIDED ON: 11.03.2024

RAJU ALIAS RAJESH

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India seeking quashing of impugned order dated 29.11.2023 (Annexure P-4), passed by respondent No.1, whereby the prayer for grant of premature release has been rejected and deferred for 3 years despite fulfilling the conditions mentioned in the premature release policy dated 08.08.2000 (Annexure P-3) and is violative of para 17(iii) of order passed by this Court in CRWP-8232-2022.

Learned counsel for the petitioner contends that the petitioner has already completed 14 years of actual sentence including the custody of under trial as was awarded by the trial Court vide its judgment dated 08.04.2002/10.04.2002 and assails the order passed by Additional Chief Secretary to Government of Haryana, Jail Department contending that the State Level Committee did not have power to defer the decision for granting parole to the petitioner in the light of policy dated 08.08.2000 (Annexure P-3) while relying upon a decision of this Court in *“Pohlu @ Polu Ram versus*

State of Haryana and others”, in CRWP-8232-2022, decided on 05.02.2024.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the official respondents, who submits that it is only a case where the application of the petitioner for parole has been deferred on the ground that he is a life convict having committed crime in a most cruel, ghastly and barbaric manner which has been duly elaborated in the impugned order dated 29.11.2023 (Annexure P-4).

However, this Court does not agree with the aforesaid submission and in the light of ratio laid down in Pohlu @ Polu Ram’s case (supra), State of Haryana is directed to reconsider the case of the petitioner and pass an order in accordance with law within a period of four weeks from the date of receipt of the certified copy of this order.

The present petition is disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

11.03.2024
Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>