

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRWP-2201-2024

Date of Decision:-30.04.2024

Shamsher.

.....Petitioner.

Vs.

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Varinder Singh Rana, Advocate for the Petitioner.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the present petition is under Article 226 of Constitution of India read with Section 482 Cr.P.C. for quashing of the impugned order dated 11.12.2023 (Annexure P-24) passed by the respondent No.1, whereby the prayer for grant of premature release has been deferred for three years despite fulfilling all the conditions of Premature Release Policy dated 11.08.2008 endorsed on 13.08.2008 (Annexure P-1).

The learned counsel for the petitioner contends that in view of the judgment in the case of ***“Pholu @ Polu Ram Vs. State of Haryana and Ors.”*** in CRWP-8232-2022 decided on 05.02.2024 and ***“Raju @ Rajesh Vs. State of Haryana and Ors.”*** in CRWP-2160-2024 decided on 11.03.2024 passed by the Co-ordinate Bench of this Court, the impugned order whereby the case of premature release of the petitioner was deferred for 3 years could not have been passed.

The State counsel has filed reply by way of affidavit of Mr. Jagjit Singh, Inspector General of Prisons, Haryana, O/o Director General of Prisons, Haryana, Sector 14, Panchkula in court today which is taken on record and accepts the aforementioned legal position in view of the above-mentioned judgments passed by the Co-ordinate Bench of this Court.

In view of the above, the impugned order dated 11.12.2023 (Annexure P-2) stands quashed.

The State of Haryana is directed to re-consider the case of the petitioner for the grant of premature release and pass an order in accordance with law within a period of 6 weeks from the date of receipt of certified copy of the order passed by this Court.

Disposed of .

(JASJIT SINGH BEDI)
JUDGE

April 30, 2024
Vinay

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