



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-2944-2024

Date of Decision: 11.11.2024

VIJAY PAL

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gaurav Gupta, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

This petition under Article 226/227 of the Constitution of India has been filed for issuance of writ, order or direction in the nature of Certiorari for quashing order dated 11.01.2024 (Annexure P-5) vide which the application for premature release has been dismissed by Jail Department, Haryana and the direct the concerned department to release the petitioner from Jail in view of Clause (f) of the Point no. 187(2) of Chapter 12 of (Release of Prisoners) of Haryana Govt. Gazette (Extraordinary) dated December 30, 2022.

2. Learned counsel for the petitioner submits that the petitioner, aged 74 years, has been incarcerated for more than 14 years, 9 months, and 07 days of actual custody as of 18.10.2024, well beyond the required period for release under Clause (f) of above-said notification dated December 30, 2022. This provision clearly stipulates that male convicts aged 75 years or above may be considered for release after completing 7 years of actual



sentence. Furthermore, the petitioner suffers from prostate cancer, a severe medical condition that requires specialized treatment. His advanced age and deteriorating health make it difficult for him to receive adequate care while in prison.

3. Learned counsel for the petitioner further argued that petitioner was convicted under Section 302 read with Section 149 IPC to undergo life imprisonment and under Section 323 read with 149 IPC for 06 months by learned Sessions Judge, Faridabad vide order dated 12.05.1998, which was modified by this Court and convicted the petitioner under Section 302 read with Section 34 IPC, which was maintained by learned Supreme Court vide order dated 26.10.2017, and he has undergone actual custody of 14 years, 9 months, and 07 days including remission as on 18.10.2024 and the case of the petitioner is covered under the policy dated 30.12.2022 framed by the State of Haryana for the premature release of convicts. It is further submitted that the case of the petitioner seeking premature release was dismissed by the competent authority vide order dated 11.01.2024 (Annexure P-5). He further places reliance upon judgment passed by the Co-ordinate Bench in CRWP-8996- 2024 titled as Chand Singh Vs. State of Haryana and others decided on 03.10.2024.

4. Learned State counsel has not disputed the aforementioned legal position.

5. It is not clear as to how the State Level Committee carved out an exception against policy dated 30.12.2022 and rejected the case of the petitioner who sought premature release, on completion of 14 years, 9 months and 7 days of actual custody including remission.



6. In view of the above, the impugned order dated 11.01.2024 (Annexure P-5) stands quashed.
7. The State of Haryana is directed to reconsider the case of the petitioner for grant of premature release in the next meeting of the State Level Committee and pass an order in accordance with law within a period of two months.
8. The present petition is disposed of in aforesaid terms.

(KIRTI SINGH)
JUDGE

11.11.2024

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