



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-5630-2023

Date of Decision : August 20, 2024

KARAN SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. R.S.Dhull, Advocate for the petitioner.
Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, challenge is thrown to the order dated 6.4.2023 (Annexure P-1) whereby the claim of the petitioner for premature release was rejected by the respondent-State Level Committee.
2. Upon notice, reply to the instant petition was filed on 2.8.2023. In para Nos. 7 and 8, it was specifically mentioned that the case of the petitioner would be reconsider after 2 years from 30.9.2022. The relevant extract reads as under:-

“7. That on completion of 16 years, 06 months and 07 days actual sentence and 20 years, 04 months and 18 days total sentence as on 30.09.2022, the case of premature release of the petitioner was placed before the State Level Committee in its meeting held on 23.03.2023. After receiving the recommendations from the State Level Committee, Govt. passed the order dated 06.04.2023 that his case will be re- considered after two years from 30.09.2022, if otherwise found eligible. Copy of the Govt. order dated 06.04.2023) is already annexed as Annexure P-1 with the writ petition.



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8. That it is submitted that in case Life Convict Laxman Naskar vs State of West Bengal & Anr. decided on 1 September, 2000, the Hon'ble Supreme Court has issued certain guidelines as to the basis on which a convict can be released prematurely, they are as under: -

- 1. Whether the offence is an individual act of crime without affecting the society at large.
- 2. Whether there is any fruitful purpose of confining of this convict anymore.
- 3. Whether there is any chance of future reoccurrence of committing crime.
- 4. Whether the convict has lost his potentiality in committing crime.
- 5. Socio Economic condition of the convicts family.

In the present case, the petitioner is not a law abiding person, is a habitual offender and remained repeatedly involved in 8 criminal offences. The petitioner has also violated the jail rules by absconding from parole on two different occasions for a period of 28 days. Hence, the case of the petitioner is not covered under the above guidelines issued by the Hon'ble Supreme Court. After considering all the facts and circumstances of the case of the petitioner, the State Level Committee recommended to defer his case for two years from 30.09.2022 and Govt. passed order dated 06.04.2023 that the case of the petitioner will be reconsidered after two years from 30.09.2022, if otherwise found eligible.”

3. The period of 2 years has almost lapsed, therefore, a mandamus is passed upon the State Level Committee concerned, to reconsider the case of the petitioner in view of the above specific stand and that reconsideration shall be done before 30.11.2024.

4. **Disposed** of accordingly.

August 20, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No