



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

234

CRWP-8456-2024**Decided on : 18.10.2024****SUKHVINDER SINGH ALIAS SUKHWINDER SINGH**

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Munish Chaudhary, Advocate for
Mr. Sandeep Singh Majithia, 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 06.08.2024 (Annexure P-6) vide which the application for premature release has been dismissed by Jail Department, Haryana and direct the concerned department to release the petitioner from District Jail, Hisar in view of Clause (f) of Point No. 187(2) of Chapter 12 (Release of Prisoners) of the Haryana Government Gazette (Extraordinary) dated December 30, 2022.

2. Learned counsel for the petitioner submits that the petitioner, aged 77 years, has been incarcerated for more than 7 years, 7 months, and 21 days of actual custody as of 16.08.2024, 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

**CRWP-8456-2024****- 2 -**

condition that requires specialized treatment. His advanced age and deteriorating health make it difficult for him to receive adequate care while in prison. The petitioner's medical treatment history from Hisar Jail, including records from PGI Chandigarh, is annexed herewith as Annexure P-3.

3. Learned counsel for the petitioner further argued that petitioner was initially convicted under Section 324/34 IPC to undergo 07 years rigorous imprisonment by learned Addl. Sessions Judge vide order dated 24.05.1978, which was modified by this Court and convicted the petitioner under Section 302 IPC to undergo life imprisonment vide its order dated 08.04.1980, which was upheld by learned Supreme Court vide order dated 19.04.1994, and he has undergone actual custody of 7 years, 7 months, and 21 days and total custody of 11 years, 10 months and 18 days including remission as on 20.09.2024 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 06.08.2024 (Annexure P-6). 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 07 years, 05 months and 20 days of actual custody and total custody of 11 years, 06

**CRWP-8456-2024****- 3 -**

months and 12 days including remission, as on the date of passing of the impugned order.

6. In view of the above, the impugned order dated 06.08.2024 (Annexure P-6) 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 08 weeks.

8. The present petition is disposed of in aforesaid terms.

(KIRTI SINGH)
JUDGE

18.10.2024

Kavita

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