



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRWP-9279-2024 (O&M)
Date of Decision: 23.09.2024

Kamaljeet Kaur
Versus
.... Petitioner

State of Haryana and others
.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Randeep S. Dhull, Advocate for the petitioner.

Ms. Deepshikha Chauhan, A.A.G., Haryana.

NIDHI GUPTA, J. (ORAL)

Prayer in the present Criminal Writ Petition under Article 226/227 of the Constitution of India read with Rule 187(2)(b)(ii) of the Haryana Prisons Rule, 2022 is for issuing a writ in the nature of certiorari for setting aside order dated 29.11.2023 (Annexure P-1) vide which the pre-mature release case of the petitioner was wrongly rejected by the respondents State Level Committee, as its amount to Double Jeopardy and wrong interpretation of the provisions of Rule 187(2)(b)(ii) of the Haryana Prisons Rule, 2022, by passing illegal, arbitrary and Sisyphean order contending that the petitioner does not deserve any concession of Government at the present stage because of factual matrix of the case for which she is convicted and deferred the case adjudication for a further period of two years.

Ld. Counsel for the petitioner submits that the petitioner has undergone the requisite sentence as per Rule 187(2)(b)(ii) of the Haryana



Prisons Rule, 2022 and further detention of the petitioner is illegal, violative of Article 14, 16 of the Constitution of India and amounts to double jeopardy. As such, the petitioner is required to be released forthwith as per Rule 187(2)(b)(ii) of the Haryana Prisons Rule, 2022 (Annexure P-2); and in view of the judgment passed by this Court in "*Pohlu @ Polu Ram vs. State of Haryana and Others*" bearing *CRWP No.8232-2022* vide order dated 05.02.2024; and in case titled "*Raju @ Rajesh vs. State of Haryana and Others*" bearing *CRWP No.2160-2024* vide order dated 11.03.2024.

Heard.

The petitioner is the mother-in-law of the deceased. The petitioner has been convicted vide judgment dated 17.07.2010 for commission of offences under Section 302 IPC read with Section 34 IPC, in case FIR No. 234 dated 04.09.2008 under Sections 498-A/304-B/34 IPC registered at Police Station Butana, District Karnal. Vide order of sentence dated 20.07.2010 (Annexure P-3) the petitioner has been sentenced to undergo imprisonment for life and to pay fine of Rs.10,000/- and in default of payment of fine, further undergo rigorous imprisonment for a term of two years.

Vide the impugned order dated 29.11.2023 (Annexure P-1), the premature release of the petitioner has been deferred for two years taking into account the fact that the deceased was burnt alive by the petitioner and other co-accused within 3-4 years of her marriage. The daughter-in-law of the petitioner had died due to 99% burn injuries sustained when the petitioner and co-accused poured kerosene oil upon



the deceased from a can and set her on fire with a matchstick on 04.09.2008. Keeping in mind this fact, application of the petitioner seeking premature release has been deferred vide the impugned order dated 29.11.2023 (Annexure P-1) by observing that the petitioner alongwith co-accused “*had committed crime in a most cruel ghastly and barbaric manner as he had burnt the victim alive.*”

Reliance placed by the petitioner upon the judgment passed by this Court in *Pohlu @ Polu Ram’s case (supra)*, is misplaced in view of the Constitution Bench judgment of the Hon’ble Supreme Court in **Union of India Vs. V. Sriharan @ Murugan (SC) (Constitution Bench): Law Finder Doc Id # 720918**, wherein it has been held that sentence of life imprisonment means imprisonment for all of natural life of the convict, and not just 14 years.

After arguing the matter for some time, when this Court is not inclined to interfere; learned counsel for the petitioner submits that he may be permitted to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.

Pending application, if any, stands disposed of.

23.09.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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