

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

292

CRWP-12060-2023

Date of Decision: 09.05.2024

RAM KUMAR

.....Petitioner

Vs.

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Ajay Bansal, Advocate for the petitioner.

Mr. Randhir Singh, Additional AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

By way of this criminal writ petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. petitioner prays to quash the order dated 29.11.2023 (Annexure P-6) whereby prayer for grant of premature release of the petitioner has been deferred for 03 years.

Petitioner was convicted in case FIR No.61 dated 23.06.2006, under Sections 302 and 392 of IPC, registered at Police Station Khizrabad vide judgment dated 06.10.2007 of learned Sessions Judge Yamuna Nagar. He was sentenced to life imprisonment and to pay a fine of Rs. 5000/- for committing offence under Section 302 IPC. He was also sentenced to undergo rigorous imprisonment for a period of 07 years and to pay a fine of Rs.5000/- for committing offence under Section 392 IPC. Both the substantive sentences were directed to run concurrently. The criminal appeal filed by the petitioner was dismissed by a Division Bench of this Court vide order dated 19.02.2013 (Annexure P-2).

Petitioner applied for premature release in view of the premature release policy issued by the Haryana Government Jails Department. However, his case has been declined vide impugned order dated

29.11.2023 (Annexure P-6). Learned counsel contends that as conceded in the impugned order itself, the petitioner had already completed actual sentence of 17 years; and total sentence by including the remission period as 20 years, 01 month and 08 days. As per the policy dated 12.04.2002 (Annexure P-7), the petitioner was required to complete 14 years of actual sentence including the under trial period; and the total sentence by including remission period as 20 years.

As per the impugned order, although the petitioner fulfilled the aforesaid conditions of actual sentence as well as the total sentence, but his case for premature release has been deferred for 03 years by giving the reasons that he is involved in a double murder case which is a heinous crime and also remained involved in one jail offence.

According to learned counsel, the petitioner has already been acquitted for the jail offence as is referred in the impugned order. Said contention of the learned counsel is supported by the custody certificate placed on record which reveals that in a case FIR No.630 dated 18.09.2016 registered at Police Station City Jagadhri, Yamuna Nagar, under Section 42-A of the Prisons Act, he was acquitted on 13.12.2017.

Case of the petitioner has been considered under Para 2(a)(i) of the Premature Release Policy dated 12.04.2002, which pertains to convicts who have been imprisoned for life having committed heinous crime. Therefore, the respondent authorities could not go beyond the terms of the policy.

Learned State counsel has conceded the fact that the policy does not give any power to the authorities concerned to defer the matter for any period whatsoever.

As such, the order dated 29.11.2023 (Annexure P-6) as passed by the respondent is found to be illegal and clearly against the policy. The said order is hereby set aside.

Learned counsel for the petitioner informs that the petitioner has already been released on interim bail vide order dated 04.10.2023 (Annexure P-4) and operation of the said order was extended by this Court vide order dated 12.04.2024.

As such, with the setting aside of the impugned order dated 29.11.2023 (Annexure P-6), nothing else is required to be done.

The present petition is hereby disposed of.

09.05.2024
pry

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No