



CRWP-11939-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-11939-2024 (O&M)
DATE OF DECISION: 19.12.2024

DHEER SINGH

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Varun Aryan Sharma, Advocate,
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana &
Mr. Vijesh Sharma, Addl. A.G., Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The prayer in the present Criminal Writ Petition filed under Section 226 of the Constitution of India read with Section 528 of the 'Bharatiya Nagarik Suraksha Sanhita, 2023' is for issuance of a writ in the nature of 'Certiorari' and setting aside/quashing the order dated 06.08.2024 (Annexure P-6), passed by learned Additional Chief Secretary to the Government of Haryana, Jails Department, Haryana (respondent No. 1), whereby the prayer of the petitioner for grant of premature release has been rejected.

2. Learned counsel for the petitioner *inter alia* contends that as per the State Government Notification No. 36/135/91-1JJ(II), dated 13.08.2008 (Annexure P-5), the petitioner though a convict and having



been imprisoned for life, does not fall in Clause (a) of the policy.

2.1 He further submits that the impugned order dated 06.08.2024 (Annexure P-6) is not a reasoned order. The State Level Committee has though considered the case under Clause (c) of the Policy (Annexure P-5) but while invoking Clause (a), the State Level Committee, without passing a reasoned order has declined to grant the relief of pre-mature release to the petitioner.

3. Notice of motion.

4. Having received advance copy of the petition, Mr. Kirpal Singh Thakur, A.A.G., Haryana, accepts notice on behalf of respondents No. 1 to 4 and submits that the impugned order is well reasoned and justified. He prays for dismissal of the present petition.

5. I have heard learned counsel for the parties and have gone through the paper-book carefully.

6. As per the impugned order dated 06.08.2024 (Annexure P-6), the petitioner has been declined the relief of pre-mature release by recording the following reasons:-

XXXX XXXX XXXX XXXX

“2. The date of conviction of the convict is 02.11.2010. Hence, the premature release policy dated 13.08.2008 is applicable in this case.

3. The State Level Committee considered the entire facts of the case with due diligence. Detailed deliberations were held. The State Level Committee has observed that this life convict has committed gang rape prosecutrix aged about 06 years, which is most heinous crime. Such a person is a potential danger to public



safety. Thus, the State Level Committee has recommended that his life convict does not deserve any concession of Government at this stage. Being convicted and sentenced to life imprisonment his conduct is required to be further evaluate. After thorough discussion, the State Level Committee has recommended that the case for premature release of this life convict be rejected and his case will be re-considered after two years.

3. After agreeing with the recommendations of the State Level Committee, the case for premature release of life convict Dheer Singh, son of Manju is rejected to evaluate his conduct and his case will be re-considered after two years.”

7. The State Level Committee has considered the facts and circumstances of the case and observed that it was a gang-rape upon the prosecutrix who was aged 06 years and has observed that the crime is most heinous. The State Level Committee (SLC) has observed that such a person is a potential danger to the public safety.

8. As per the policy, dated 13.08.2008 (Annexure P-5), the case for pre-mature release may be considered after completion of 20 years actual sentence and 25 years total sentence in such cases where the death sentence of a convict has been convicted to life imprisonment and such a sentence has been awarded for committing a “heinous crime”. The category of cases which can be termed as “heinous crime” has been defined in Clause (a) of the aforesaid policy. At the time of passing the impugned order dated 06.08.2024 (Annexure P-6), the total sentence of the petitioner was 20 years, 00 months and 02 days, whereas the actual sentence was 14



years, 07 months and 21 days.

9. The Notification, dated 13.08.2008 (Annexure P-5), issued by the Haryana Government deals with the policy regarding pre-mature release of life convicts, the said notification reads as under:-

“No. 36/135/91-1JJ(II)—In exercise of the powers conferred by Sub-Section (1) of Section 432 read with Section 433 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and in super-session of Haryana Government Memo No. 36/135/91-1JJ(II), dated the 12th April, 2002 and all other earlier policies, the Governor of Haryana hereby frames the following policy regarding premature release of life convicts, namely:-

(a) Convicts whose death sentence has been commuted to life imprisonment and convicts who have been imprisonment for life having committed a heinous crime as such--

Their cases for premature release may be considered after completion of 20 years actual sentence and 25 years total sentence with remissions.

(i) murder with rape/unnatural offences;

(ii) murder with intention to collect ransom/robbery/dacoity/kidnapping /abduction;

(iii) murder of more than two persons

(iv) persons convicted for second time for murder,

(v) sedition;

(vi) sedition with murder;

(vii) murder while undergoing life sentence.

(viii) murder with offence under TADA Act, 1987,

(ix) murder of a child under the age of 14 years

(x) convicts who cannot for some definite reasons be prematurely released with danger to public



order and safety.

(xi) any other crime that the State Level Committee considers to be ‘heinous’ for reasons to be recorded in writing.

(b) Convicts who have been imprisoned for life having committed any crime which is defined in IPC and/or NDPS Act as punishable with death sentence.

Their cases for pre-mature release may be considered after completion of 14 years actual sentence including undertrial period: provided that the total period of such sentence including remission is not less than 20 years.

(c) Convicts who have been imprisoned for life having committed a crime which is defined in IPC as punishable with life imprisonment but not with death sentence.

Their cases may be considered after completion of 10 years actual sentence including undertrial period; provided that the total period of such sentence including remission is not less than 14 years.”

XXXX XXXX XXXX XXXX

10. In view of the facts and circumstances of the matter and in view of the reasons recorded by the State Level Committee, it has been rightly observed that convict cannot for definite reasons be pre-maturely released without danger to public order and safety. The age of the convict is 34 years whereas the age of the victim was six years upon which the conviction has been recorded regarding the perversity of the mind of the petitioner. As per the conviction order dated 30.10.2010 (Annexure P-1), there is medical evidence by the testimony of Dr. Narender Kaur (PW-3), which indicates that as per the medico-legal examination report, there were abrasion present on the right side of libia majora. Libia minora was inflamed and conjested forechette was inflamed and tendered. Periani was



found swollen and tender. The testimony of the father of the prosecutrix (PW-13) and the mother of the prosecutrix (PW-14) indicate that the identity of the petitioner is not disputed.

11. Keeping in view the aforesaid reasons, no ground is made out to interfere in the impugned order dated 06.08.2024 (Annexure P-6), passed by learned Additional Chief Secretary to the Government of Haryana, Jails Department, Haryana (respondent No. 1).

12. Consequently, the present petition stands dismissed.

13. Pending miscellaneous application (s), if any, shall also stand disposed of.

DECEMBER 19, 2024

(HARPREET KAUR JEEWAN)

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JUDGE

Whether Speaking	Yes
Whether Reportable	No