



246

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

**CRWP No.1163 of 2024
Date of decision : 19.09.2025**

Rahish Khan @ Harish @ Sanjay

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Navdeep Singh, Advocate for
Mr. Randeep Singh Dhull, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana with
Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for setting aside the order dated 11.01.2024 (wrongly mentioned as 18.01.2024 in the prayer clause) vide which the premature release case of the petitioner was wrongly rejected by the respondents State Level Committee as it amounts to Double Jeopardy and wrong interpretation of the provisions of Policy regarding premature release of the petitioner dated 12.04.2002 by passing illegal, arbitrary and sisyphian order contending that the petitioner does not deserve any concession of premature release policy of Government at the present stage. Further prayer has been made for release of the petitioner on



interim bail or directing the official respondents to grant parole to the petitioner till the final decision of the preset case.

2. Succinctly, the facts of the case are that the petitioner was prosecuted in FIR No.398, dated 23.12.2003, under Sections 364-A & 302 of IPC, registered at Police Station Baldev Nagar, District Ambala. However, on conclusion of the trial, the petitioner was convicted and sentenced to undergo imprisonment for life under Sections 364-A and 302 IPC by learned Sessions Judge, Ambala vide order dated 28.04.2006. Being aggrieved, the petitioner approached this Court by way of filing an appeal bearing CRA-D-647-DB-2006, which was dismissed by this Court vide order dated 09.11.2011. After completion of 20 years of actual sentence and 25 years of total sentence on 31.12.2023, the case of premature release of the petitioner was put up before the State Level Committee and the same was denied. Now the petitioner has approached this Court by way of filing the present petition praying for his premature release.

3. Learned counsel for the petitioner has submitted that the petitioner is covered under para No.2(a)(vii) of the policy dated 12.04.2002 (*convicts who have been imprisoned for life having committed a heinous crime-Murder of a child under the age of 14 years*) and as per the policy, the case of the petitioner was required to be considered by Jail Superintendent, after completion of 14 years of actual sentence and 20 years total sentence with remissions. He has submitted that the Superintendent, District Jail, Kurukshetra forwarded the case of the petitioner to the State Level Committee for consideration, however the same was rejected vide impugned order dated 11.01.2024 without



providing any cogent and reasonable explanation to the same. Further, it has been ordered that case of the petitioner for premature release will be re-considered after two years from the date of order. He submits that the view taken by the respondent/State in rejecting his prayer for premature release is totally illegal, unreasonable and hence, unsustainable in the eyes of law. He submits that as per the terms and conditions of the Policy, dated 12.04.2002, the petitioner has already undergone more than the period of sentence required for consideration of his premature release. He, thus, submits that the conclusion arrived at by the respondent/State holding that the petitioner had committed the heinous offence under clause 2(aa)(ii), which is in violation of the Policy, dated 12.04.2002, thus, he submits that the impugned order being unsustainable in the eyes of law deserves to be set aside and now, period of six months has already been passed. Thus, the respondent/State be directed to re-consider the case of the petitioner in accordance with law. He has relied upon the judgment passed by the Hon'ble Supreme Court in "***Sukhdev Yadav @ Pehalwan vs. State of (NCT of Delhi) and others***", Criminal Appeal No.3271 of 2025, decided on 29.07.2025 and by this Court in '***Rakesh Kumar vs. State of Haryana and others***', CRWP No.9645 of 2021, decided on 30.01.2023. He has submitted that in the facts and circumstances of the case, the petitioner deserves the concession of premature release.

4. *Per contra*, learned counsel for the State has opposed the submissions made by learned counsel for the petitioner. She has submitted that the petitioner kidnapped Ramandeep (minor) and demanded ransom amounting to Rs.4,00,000/- and then committed his murder by



strangulation and concealed the dead body in a Sugarcane field and thereafter, he was rightly convicted and sentenced for life imprisonment vide order dated 29.04.2006. She has further submitted that the petitioner was also found involved in another case bearing FIR No.166, dated 25.05.2000, under Section 302, 201 and 34 of IPC, registered at Police Station Samalkha, however, he was acquitted in that case on 05.10.2002. She has submitted that as the petitioner had committed the murder with intention for ransom, hence his case is covered under para No.2(aa)(ii) (Murder with intention for the ransom) of the policy dated 12.04.2002 and not under para No.2(a)(vii) (Murder of a child under the age of 14 years). She has submitted that after completion of 20 years, 02 days actual sentence and 25 years, 09 months and 28 days, total sentence as on 31.12.2023, the case of premature release of the petitioner was placed before the State Level Committee and after considering all the facts and circumstances of the case, the State Level Committee has rejected the case of the petitioner for premature release vide impugned order dated 11.01.2024. However, the Committee recommended that premature release of the petitioner will be put up for reconsideration after 02 years to evaluate his conduct. She has relied upon the judgments passed by this Court in '*Subhash vs. State of Haryana and others*', CRWP No.6205 of 2023, decided on 06.09.2023 and '*Wazir vs. State of Haryana and others*', CRWP No.8638 of 2023, decided on 04.09.2023. She has thus submitted that no case for the grant of premature release of the petitioner is made out and the present petition deserves to be dismissed.



5. The Court has heard learned counsels for the parties and perused the record with their able assistance. Precise issue involved in the present case is whether the petitioner deserves to be considered for his premature release of life convicts as per Policy, dated 12.04.2002 (Annexure P-1) and the law settled.

6. It is evident that the petitioner was prosecuted in FIR No.398, dated 23.12.2003, under Sections 364-A & 302 of IPC and was convicted and sentenced for life imprisonment by learned Sessions Judge, Ambala vide order dated 28.04.2006 and the appeal filed by the petitioner against the same was also dismissed by this Court vide order dated 09.11.2011. Admittedly the case of premature release of the petitioner was rejected by the State Level Committee vide impugned order dated 11.01.2024. However, the Committee has recommended that the case of premature release of the petitioner will be put up for reconsideration after 02 years to evaluate his conduct. The precise issue involved is whether the case of the petitioner is covered by column 2(aa)(ii) or 2(a)(vii) of Policy dated 12.04.2002. A perusal of the relevant part of the Policy dated 12.04.2002 reads as follows:

2(aa)	Convicts whose death sentence has been commuted to life imprisonment and convicts who have been imprisoned for life having committed a heinous crime such as:- (i) Murder after rape repeated/ chained rape/ unnatural offences (ii) Murder with intention for the ransom (iii) Murder of more than two persons (iv) Persons convicted for second time for murder (v) Sedition with murder	Their case may be considered after completion of 20 years actual sentence and 25 years total sentence with remissions.
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2(a)	Convicts who have been imprisoned for life having committed a heinous crime such as:- (i) Murder with wrongful confinement for extortion/ robbery (ii) Murder while undergoing life sentence (iii) Murder with dacoity (iv) Murder with offence under TADAAct, 1987 (v) Murder with Untouchability (offences) Act, 1955 (vi) Murder in connection with dowry (vii) Murder of a child under the age of 14 years	Their cases may be considered after completion of 14 years actual sentence including under trial period; provided that the total period of such sentences including remissions is not less than 20 years.
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7. The State has denied the fact that the petitioner is entitled to be released on premature release under Clause ‘2(a)(vii)’ of the policy, rather case of the petitioner falls under clause 2(aa)(ii). Even, if the case of the petitioner falls under clause 2(aa)(ii), a convict is entitled to be released on premature release after completion of 20 years actual sentence and 25 years total sentence with remissions. Admittedly, as per the reply filed by the State, when the case of the petitioner is forwarded to the State Level Committee, he had completed 20 years and 02 days of actual sentence and 25 years, 09 months and 28 days total sentence including remissions as on 31.12.2023.

8. There is no denial to the fact that the case of the petitioner was prepared by the Jail Superintendent concerned and was put up before the State Level Committee for passing appropriate orders. Once the case of the petitioner is prepared by the Jail Superintendent, it means that the overall conduct of the petitioner was taken into consideration by the Jail Superintendent concerned before recommending the case for his premature



release. The respondents have taken the assistance of factors like heinousness of crime while denying him the benefit of premature release. The petitioner was tried for the offence under Sections 364-A and 302 IPC and was ultimately convicted and sentenced to undergo life imprisonment. The petitioner was also found involved in another case bearing FIR No.166, dated 25.05.2000, under Section 302, 201 and 34 of IPC, registered at Police Station Samalkha, however he was acquitted in that case on 05.10.2002. This is true that no convict has the fundamental right of remissions but once his case is covered under the notification issued by the State Government, then he cannot be denied the benefit of the same, to which he is legally entitled.

9. In ***Sukhdev Yadav @ Pehalwan vs. State of (NCT of Delhi) and others***, Criminal Appeal No.3271 of 2025, decided on 29.07.2025, Hon'ble the Supreme Court has held that in all cases where an accused/convict has completed his period of jail term, he shall be entitled to be released forthwith and not continued in imprisonment if not wanted in any other case. Para Nos.15 & 16, which are relevant, read as under:

“ xxxxxxxx

15.3 *This is because in this case, instead of granting death penalty, alternative penalty of life imprisonment has been awarded which shall be for a period of twenty years of actual imprisonment. That even in the absence of death penalty being imposed, life imprisonment of a fixed term of twenty years was imposed which is possible only for a High Court or this Court to do so. The period of twenty years is without remission inasmuch as the appellant is denied the right of remission of his sentence on completion of fourteen years as per Section 432 read with Section 433-A of the CrPC. Such a right has been denied by the High Court but that does not mean that on completion of twenty years*



of imprisonment the appellant has to still seek reduction of his sentence on the premise that he was awarded life imprisonment which is till the end of his natural life. If that was so, the High Court would have specified it in those terms. On the other hand, the High Court has imposed life imprisonment which shall be twenty years of actual imprisonment without consideration of remission. The High Court was of the view that for a period of twenty years, the appellant has to undergo actual imprisonment which would not take within its meaning any period granted for parole or furlough.

15.4 *In the instant case, the actual imprisonment of twenty years was admittedly completed by the appellant on 09.03.2025 which was without any remission. If that is so, it would imply that the appellant has completed his period of sentence. In fact, the award of the aforesaid sentence was also confirmed by this Court. On completion of twenty years of actual imprisonment on 09.03.2025, the appellant was entitled to be released. The release of the appellant from jail does not depend upon further consideration as to whether he has to be released or not and as to whether remission has to be granted to him or not by the Sentence Review Board. In fact, the Sentence Review Board cannot sit in judgment over what has been judicially determined as the sentence by the High Court which has been affirmed by this Court. There cannot be any further incarceration of the appellant herein from 09.03.2025 onwards. On the other hand, in the instant case, the appellant's prayer for furlough was refused by the High Court and, thereafter, this Court granted furlough only on 25.06.2025 as he had completed his actual sentence by then, pending consideration of the amended prayer made by the appellant herein on completion of his sentence on 09.03.2025. Therefore, the continuous incarceration of the appellant from 09.03.2025 onwards was illegal. In fact, on 10.03.2025, the appellant ought to have been released from prison as he had completed the sentence imposed on him by the High Court as affirmed by this Court.*

15.5 *In Bhola Kumar v. State of Chhattisgarh, 2022 SCC Online SC 837, this Court lamented the unfortunate fate of prisoners languishing be-*



hind bars even long after completing their period of sentence noted as follows:

23.*When such a convict is detained beyond the actual release date it would be imprisonment or detention sans sanction of law and would thus, violate not only Article 19(d) but also Article 21 of the Constitution of India."*
- 15.6 *Although, presently the appellant is not in custody but on furlough for three months pursuant to the interim order dated 25.06.2025 passed by this Court, he need not surrender after expiry of the period of furlough as he has completed his jail sentence of twenty years on 09.03.2025, if not wanted in any other case.*
- 15.7 ***Consequently, we hold that in all cases where an accused/convict has completed his period of jail term, he shall be entitled to be released forthwith and not continued in imprisonment if not wanted in any other case. We say so in light of Article 21 of the Constitution of India which states that no person shall be deprived of his life or personal liberty except according to procedure established by law.***
16. ***A copy of this order shall be circulated by the Registry of this Court to all the Home Secretaries of the States/Union Territories to ascertain whether any accused/convict has remained in jail beyond the period of sentence and if so, to issue directions for release of such accused/convicts, if not wanted in any other case.***

Similarly, a copy of this order shall also be sent by the Registry of this Court to the Member Secretary, National Legal Services Authority for onward transmission to all Member Secretaries of the States/Union Territories Legal Services Authorities for communication to all the Member Secretaries of the District Legal Services Authorities in the States for the purpose of implementation of this judgment."

10. It has been held by the Hon'ble Supreme Court in **Suo Motu Writ Petition (Crl.) No.4 of 2021 with SLP(Crl.) No.529 of 2021** decided on 18.02.2025 that **on completion of the eligibility period, all the States are required to initiate the process of consideration for premature**



release of the convicts even without any petition being filed by the convicts. The relevant paragraph is as under:-

“8. xxxxx xxxx xxxxx When a State Government or a Union Territory has adopted a policy for the grant of permanent remission which incorporates conditions for eligibility, it becomes an obligation of the State Government or the Union Territory to consider cases of all eligible convicts for the grant of permanent remission as per the policy adopted. If such a policy exists, and if the State Government or the Government or Union Territory raises a contention that relief will be granted only to those who apply as per policy, it will amount to saying that even if convicts are eligible for consideration in terms of the policies, their cases will not be considered in terms of the policy. Such conduct on the part of the States will be discriminatory and arbitrary and amount to a violation of Article 14 of the Constitution. The power under Section 432(1) must be exercised in a fair and reasonable manner. Therefore, whenever there is a policy for consideration of cases for permanent remission, it becomes an obligation of the State to consider cases of every eligible convict under the policy.”

11. Hon’ble Supreme Court in ***Karamjit Singh vs. State (Delhi Admn.)***, ***AIR 2000 SC 3467*** has held as under:-

"Punishment in criminal cases is both punitive and reformatory. The purpose is that the person found guilty of committing the offence is made to realise his fault and is deterred from repeating such acts in future. The reformatory aspect is meant to enable the person concerned to relent and repent for his action and make himself acceptable to the society as a useful social being. In determining the question of proper punishment in a criminal case, the court has to weigh the degree of culpability of the accused, its effect on others and the desirability of showing any leniency in the matter of punishment in the case. An act of balancing is, what is needed in such a case; a balance between the interest of the individual and the concern of the society; weighing the one against



the other. Imposing a hard punishment on the accused serves a limited purpose but at the same time, it is to be kept in mind that relevance of deterrent punishment in matters of serious crimes affecting society should not be undermined. Within the parameters of the law an attempt has to be made to afford an opportunity to the individual to reform himself and lead the life of a normal, useful member of society and make his contribution in that regard. Denying such opportunity to a person who has been found to have committed offence in the facts and circumstances placed on record would only have a hardening attitude towards his fellow beings and towards society at large. Such a situation, has to be avoided, again within the permissible limits of law."

12. Hon'ble Apex Court in Raj Kumar vs State of Uttar Pradesh 2024(9) SCC 598 has held as under:-

"13. The State having formulated Rules and a Standing Policy for deciding cases of premature release, it is bound by its own formulations of law. Since there are legal provisions which hold the field, it is not open to the State to adopt an arbitrary yardstick for picking up cases for premature release. It must strictly abide by the terms of its policies bearing in mind the fundamental principle of law that each case for premature release has to be decided on the basis of the legal position as it stands on the date of the conviction subject to a more beneficial regime being provided in terms of a subsequent policy determination. The provisions of the law must be applied equally to all persons. Moreover, those provisions have to be applied efficiently and transparently so as to obviate the grievance that the policy is being applied unevenly to similarly circumstanced persons. An arbitrary method adopted by the State is liable to grave abuse and is liable to lead to a situation where persons lacking resources, education and awareness suffer the most."



13. Thus, the Court finds that the impugned order, dated 11.01.2024, passed by the respondent/State is unsustainable in the eyes of law and the same is hereby set aside. Present petition is disposed of with a direction to respondent/State to reconsider the case of the petitioner on the anvil of the law settled and pass a fresh speaking order, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

19.09.2025

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Whether speaking/reasoned
Whether reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No