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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-1617-2025
DATE OF DECISION: 18.02.2025

YOGESH @ BABLU

...PETITIONER

Versus

STATE OF HARYANA AND OTHERS
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rahul Deswal, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 226/227 of the Constitution of India read with Section 528 BNSS (earlier 482 Cr.P.C.) to quash the impugned order dated 13.01.2025 (Annexure P-6) passed by the respondent no.1, whereby prayer for grant of premature release has been rejected and deferred for 2 years despite fulfilling the conditions mentioned in the premature release policy dated 12.04.2002 (Annexure P-3).

Learned counsel for the petitioner has placed reliance upon the judgment dated 05.02.2024 passed by this Court in **CRWP-8232-2022** titled as '*Pohlu @ Polu Ram vs. State of Haryana*' and judgment dated 11.03.2024 passed by this Court in **CRWP-2160-2024** titled as '*Raju @ Rajesh vs. State of Haryana*' to submit that State Level Committee has no power to defer the case of a convict.

Learned State Counsel is not in a position to counter the judgments referred by counsel for the petitioner, therefore, submits that the prayer of the petitioner be reconsidered and decided, as per law, whenever the committee to reconsider the cases for premature release will meet.

In view of the above, learned State Counsel is directed to reconsider and decide the prayer made by the petitioner for grant of premature release, at the first instance, within a period of four weeks from today.

Further, counsel for the petitioner prays for grant of interim bail and in this regard has placed reliance upon the judgment of the Supreme Court dated 06.02.2023 passed in ***Writ Petition (Criminal) No. 36 of 2022 (SC)***, titled as '***Raj Kumar vs. The State of UP.***'

Prayer is accepted. In the meantime, since, the petitioner has admittedly completed 20 years of custody and in view of the judgment of the Supreme Court passed in Raj Kumar (supra), the petitioner is directed to be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of CJM concerned.

Petition stands disposed of with aforesaid observations.

(SANDEEP MOUDGIL)
JUDGE

18.02.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>