



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275-2

CRWP-2453-2024 (O&M)
Date of decision: 15.09.2025

Harvinder Singh

...Petitioner(s)

VERSUS

State of Haryana and others

...Respondent(s)

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CRWP-995-2024 (O&M)
Date of decision: 15.09.2025

Sukhwinder

...Petitioner(s)

VERSUS

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. S.K. Bishnoi, Advocate for the petitioner(s)
in CRWP-995-2024.

Mr. J.S. Cooner, Advocate for the petitioner(s)
in CRWP-2453-2024.

Mr. Onkar Singh Wahla, Sr. DAG Haryana.

Mr. Sanjiv Kumar Aggarwal, Advocate and
Mr. Ojas Bansal, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. Involving identical issues, both these petitions are being decided by a common order. For facility of reference, facts are however being extracted from **CRWP-2453-2024** titled as '**Harvinder Singh Vs. State of Haryana and others**'.

2. Prayer in the above petition is for setting aside of the order



dated 13.02.2024 whereby the case of the petitioner for premature release has been rejected and a further prayer has been made for directing the Government of Haryana to release the petitioner prematurely in terms of the Policy dated 13.08.2008.

3. Vakalatnama on behalf of the complainant has been filed today in the Court and the same is taken on record.

4. Learned counsel appearing on behalf of the petitioner contends that petitioner(s) alongwith his co-accused/ Sukhwinder had been convicted vide judgment dated 22.12.2009 passed by the Sessions Judge, Panchkula and sentenced in case bearing FIR No.165 dated 23.06.2005 under Sections 120-B/396/302/412/216-A of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Ambala City, Ambala, vide order of sentence dated 24.12.2009, as under:-

Accused		Under Section	Sentence awarded
Harvinder Singh	(i)	302/34 IPC	To undergo rigorous imprisonment for life and to pay a fine of Rs.10000/- in default of payment of find to undergo simple imprisonment for two years.
	(ii)	394/120-B IPC	To undergo rigorous imprisonment for life and to pay a fine of Rs.10000/- in default of payment of find to undergo simple imprisonment for one year.
	(iii)	25 of the Arms Act	To undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1000/- in default of payment of fine to undergo simple imprisonment for two months.
Sukhwinder	(i)	302/34 IPC	To undergo rigorous imprisonment for life and to pay a fine of Rs.10000/- in default of



			<i>payment of find to undergo simple imprisonment for two years.</i>
	(ii)	394/120-B IPC	<i>To undergo rigorous imprisonment for life and to pay a fine of Rs.10000/- in default of payment of find to undergo simple imprisonment for one year.</i>

5. The other co-accused, Sohan Lal and Rajesh Kumar, were however convicted only for offences punishable under Sections 394, 120-B IPC and co-accused Inder Ram was acquitted of the charges levelled against him.

6. Learned counsel appearing on behalf of the petitioner contends that their appeal CRA-D-68-DB-2010 titled as ‘Harvinder Singh and others Vs. State of Haryana’ was dismissed by this Court vide judgment dated 29.05.2015. He contends that the State of Haryana had issued a Policy dated 13.08.2008 regarding premature release of life convicts and that the petitioner falls under Para (b) thereof as per which the petitioner becomes entitled to premature release on completion of 14 years of actual sentence and a total sentence of 20 years. He contends that the other co-accused of the petitioner had already been granted the benefit of premature release in CRWP-989-2017 titled as ‘Sohan Lal and another vs. State of Haryana and others’ vide order dated 12.10.2017. He contends that the petitioner submitted an application on 18.12.2023 to the respondent(s) for consideration of his case for premature release in light of the Policy dated 13.08.2008 but as no action was taken, hence, CRWP-794-2024 for



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premature release was filed before this Court, which was disposed of vide order dated 30.01.2024 with a direction to the Superintendent, Central Jail, Ambala to decide the pending application for premature release within a period of 04 weeks from the date of receipt of the certified copy of the order. In compliance thereto, vide order dated 13.02.2024, the claim was decided and the petitioner was held ineligible for premature release on the ground that petitioner committed the offence of murder with dacoity, therefore, his case would be covered under Para (a)(ii) of the Policy and not under Para (b). Hence, he was required to undergo an actual sentence of 20 years and a total sentence of 25 years which he had not undergone.

7. It is submitted that the petitioner had already undergone more than 15 years and 10 months of actual sentence and with remissions, a total sentence of 20 years and 01 month, hence, he was entitled to be said benefit of premature release.

8. Reply had been filed by the respondent-State, wherein it has been averred that the petitioner had committed the offence of murder with dacoity and was convicted and sentenced under Sections 302/34/394/120-B IPC and Section 25 of the Arms Act by the trial Court which such conviction has been upheld by the Division Bench of this Court while dismissing the appeal preferred by the petitioner. It is averred that as per Para (a)(ii) of the Premature Release Policy dated 13.08.2008, a person who has been imprisoned for life in heinous offences pertaining to murder with intention to collect ransom/dacoity/kidnapping/abduction etc., his case for premature release may be considered after completion of 20 years actual sentence and

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25 years total sentence with remissions. The relevant extract of the Policy dated 13.08.2008 is as under :-

	<i>Nature of offence and other factors</i>	<i>Premature Release Case when considered</i>
(a)	<i>Convicts whose death sentence has been commuted to life imprisonment and convict who have been imprisoned for life having committed a heinous crime such as – (ii) murder with intention to collect ransom/robbery/dacoity/kidnapping/abduction;</i>	<i>Their cases for premature release may be considered <u>after completion of 20 years actual sentence and 25 years of total sentence with remissions</u></i>

9. Counsel further averred that the claim of the petitioner that his case is covered under Para (b) is incorrect since the petitioner had been convicted for commission of offence of robbery as well. The other co-accused of the petitioner were sentenced only for the offence of robbery, therefore, the case of petitioner(s) would fall under the different category.

10. Counsel for the petitioner(s) in both the petitions are not in a position to dispute the same. Consequently, finding no illegality, infirmity or impropriety in the order passed by the respondent(s) declining the concession of premature release to the petitioners, both these petitions are **dismissed**.

11. All pending misc. application(s), if any, stand disposed of.

15.09.2025

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(VINOD S. BHARDWAJ)
JUDGE