



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

**CRWP-3005-2024
DECIDED ON: 02.07.2025**

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.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Swarn Sandhir, Legal Aid counsel
for the petitioner

Mr. Baljinder Singh Virk, Senior DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for setting aside the impugned Order dated 04.03.2022 (Annexure P-1) conveyed through letter dated 14.03.2022 whereby premature release case of the petitioner has been rejected and for issuance of a Writ in the nature of Mandamus directing the respondents to grant premature release to the petitioner under clause (b) of the Haryana Government Policy dated 13.08.2008 (Annexure P-2) as the petitioner was sentenced to undergo life imprisonment and has already undergone sentence of 27 years 0 months 03 days (as on 10.02.2024) as per certificate issued by Superintendent of Prison, Faridabad dated 10.02.2024 (Annexure P-3).

2. Learned counsel for the petitioner submits that the petitioner was convicted by the learned Additional Sessions Judge, Gurugram, vide judgment dated 07.04.2008, in FIR No. 546 dated 16.09.1999, registered

under Sections 458, 459, 460, and 34 of the Indian Penal Code at Police Station Sadar, Gurugram.

3. It is further submitted that the State of Haryana has issued a policy dated 13.08.2008 pertaining to the premature release of life convicts, wherein as per Clause (b) of the said policy, cases of life convicts may be considered for premature release upon completion of 14 years of actual sentence, including the period spent in custody as undertrial, provided the offence does not fall within the category of exceptions outlined in the policy.

4. Learned counsel further submits that the petitioner's request for premature release was duly forwarded through respondent No.2 and placed before the State Level Committee. However, the same was rejected vide letter dated 14.03.2022 (Annexure P-1), without proper appreciation of the petitioner's eligibility under the policy.

5. It is further contended that the petitioner has undergone an actual sentence of 27 years and 3 days, which significantly exceeds the minimum requirement of 14 years as laid down under Clause (b) of the Haryana Government policy dated 13.08.2008. The relevant portion of the clause reads as under:

"(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 case for premature release may be considered after completion of 14 years actual sentence including undertrial period, provided that total period of such sentence including remissions is not less than 20 years."

6. Learned State counsel has filed reply by way of an affidavit of Jagjit Singh, Inspector General of Prisons, Haryana, which is taken on record.

7. At the very outset, learned State counsel vehemently opposes the prayer made in the instant petition stating that the petitioner cannot claim the premature release as a matter of right unless the State Government commutes the sentence of life convict through written order under the appropriate law. Rather it is only a concession given by the State Government after considering the behaviour of the convict inside the Jail, gravity, nature of offence, manner and circumstances under which the crime was committed.

8. It is also argued that the State Level Committee in its meeting held on 02.02.2022 duly considered the case of the petitioner and observed that the petitioner has committed crime in a gruesome and brutal manner apart from being involved in 21 other serious criminal offences. Therefore, giving the concession of premature release will lead to misuse of his freedom and may lead to injustice.

9. Heard, learned counsel for respective parties at length.

10. This Court is fully conscious of the settled legal position that a sentence of imprisonment for life does not automatically come to an end upon the completion of 20 years, including remissions. The administrative rules framed under various Jail Manuals or the Prisons Act cannot override the substantive provisions of the Indian Penal Code. It is, therefore, well established that a sentence of life imprisonment signifies incarceration for the entirety of the convict's natural life, unless the appropriate Government,

in its discretion, chooses to remit or commute the sentence, either in whole or in part.

11. In the present case, the record reveals that the petitioner is a habitual offender, with his involvement reflected in as many as 21 other criminal cases of a serious and grave nature. He is described as a hardened and dangerous criminal, having committed offences such as murder, dacoity, gang rape, house-trespass, and extortion, among others.

12. Given the petitioner's criminal antecedents and the heinous nature of the offences committed, it cannot be said that he possesses any indefeasible or vested right to be released unconditionally upon the completion of a particular term of imprisonment. The discretion for premature release, where applicable, must be exercised judiciously and not as a matter of course, particularly in cases involving grave threats to public safety and law and order.

13. The primary objective underlying premature release is reformation of offenders and their rehabilitation and integration into the society, while at the same time ensuring the protection of society from criminal activities. These two aspects are closely interlinked. The most important consideration for premature release of prisoners is that they have become harmless and useful member of a civilized society.

14. Reliance can be placed upon the judgment passed by the Apex Court in '*Maru Ram V/s Union of India*' AIR 1980 SC 2147, decided on 11.11.1980, wherein the Hon'ble Supreme Court of India has held that a sentence of imprisonment for life is an imprisonment for the whole of the remaining period after conviction of the convicted person's natural life, unless the said sentence is commuted by appropriate authority under the

relevant provision of the Indian Penal Code and the Code of Criminal Procedure. Hence, a convict cannot claim the premature release as a matter of right.

15. Further a similar view has been taken in case titled as *Swami Shardhanand @ Murli Manohar Mishra V/s State of Karnataka (SC) 2008(3) R.C.R. (Criminal) 772: 2008 (4) R.A.J. 480*, wherein it has been clearly held that it would be at the sole discretion of the Government to exercise the power conferred on it in accordance with law. A convict has no right to claim the premature release as life imprisonment means the whole life of a convict in the jail.

16. In light of the settled legal position, it is well established that mere completion of the requisite period of incarceration, including the sentence undergone and remissions earned under the applicable rules or law, does not ipso facto confer a right to premature release. Each case must be considered on its own merits, keeping in view the nature and gravity of the offence, the conduct of the convict, and other relevant factors.

17. This Court is of the considered view that the petitioner, merely on the basis of the custody period undergone, cannot claim premature release as a matter of right, particularly in light of the serious and heinous nature of the offences for which he stands convicted.

18. Accordingly, this Court finds no ground to exercise its discretion in favour of the petitioner. The present petition is, therefore, dismissed.

(SANDEEP MOUDGIL)
JUDGE

02.07.2025

Meenu (v)

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No