

2025:PHHC:085993



280.

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

CRWP-3525-2024 (O&M)

Date of decision: 15.07.2025

Rajender

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jasvinder Singh Saini, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Ravi Kamal Gupta, Advocate, respondent No.6-CBI.

Mr. Amit Sharma, Senior Panel Counsel for Union of India-
respondent No.7.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-W-405-2025

Application is allowed, as prayed for.

Short reply filed by way of an affidavit on behalf of
respondent No.7 is taken on record subject to all just exceptions.

CRWP-3525-2024

1. The present petition has been filed seeking premature release of the petitioner, who stands convicted, vide judgment dated 04.06.2004 passed by learned Additional Sessions Judge, Ambala, and is presently undergoing life imprisonment in case FIR No.RC7(S)/96-SIU.V, dated 29.10.1996, registered by CBI at Police Station SIU.V./SIC.II/CBI, New

Delhi, for offences punishable under Section 302 read with Sections 34, 120-B of Indian Penal Code.

2. Learned counsel for the petitioner submits that the petitioner was convicted and sentenced to life imprisonment on 05.06.2004. The appeal against his conviction was dismissed by this Court, and the petitioner continues to serve the sentence awarded to him. It is contended that his case for premature release is governed by the government policy dated 12.04.2002, which regulates the premature release of life convicts. Since the conviction of the petitioner took place in 2004, it is submitted that the policy dated 12.04.2002 would be applicable to his case. Attention has been drawn to the copy of the policy, which has been annexed as Annexure P-5.

3. It has been further submitted by the learned counsel for the petitioner that the petitioner has already undergone an actual sentence of 20 years, 04 months and 20 days. With the inclusion of remissions earned during the period of incarceration, the total sentence undergone by the petitioner, as per the learned counsel, aggregates to more than 26 years. Learned counsel also submits that the petitioner had earlier approached this Court by filing CRWP No.1050 of 2024 for similar relief, during the pendency of which, respondent No.2 rejected his request for premature release vide order dated 28.02.2024 (Annexure P-4).

4. It has still further been argued that the petitioner stands on a stronger footing than his co-convict Rajinder Kumar, who, despite having

undergone a lesser actual sentence of 17 years, 01 month and 09 days was granted premature release vide order dated 31.08.2018 (Annexure P-6). It has also been contended by the learned counsel that Rajinder Kumar was the prime accused in the FIR in question and furthermore, he had on one occasion also misused the benefit of parole granted to him while he was in custody.

5. *Per contra*, learned counsel for the respondents have opposed the prayer for pre-mature release made by the counsel opposite. It has been submitted that although the petitioner was released on parole for 06 weeks vide order dated 19.06.2007, he misused the liberty and remained absconding for a period of 07 years, 06 months and 12 days. However, learned counsel for the respondents have not disputed and rather fairly conceded that co-convict Rajinder Kumar, who was the principal accused in the case, had also misused the liberty of parole during his incarceration and furthermore, despite that, had already been released prematurely. Learned counsel for the respondents have also not disputed that the present petitioner has undergone a longer period of incarceration than co-convict Rajinder Kumar.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. It is an admitted position that the petitioner has undergone an actual sentence of over 20 years, while his co-convict, Rajinder Kumar, who was the principal accused, was released prematurely after completing

only 17 years, 01 month and 09 days of actual sentence. Learned counsel for the respondents have not been able to justify the differential treatment meted out to the petitioner despite the more favourable facts in his case.

8. The policy dated 12.04.2002 (Annexure P-5) is clearly applicable to the petitioner, and once a similarly placed co-convict has already been extended the benefit of premature release, the claim of the petitioner cannot be denied solely on the ground that he overstayed parole, particularly when the overall period of incarceration, including remission, stands at over 26 years.

9. As a sequel to the above, the petitioner is entitled to be extended the same benefit of premature release on the ground of parity.

10. Accordingly, the present petition is allowed. The petitioner shall be considered for premature release in accordance with the government policy dated 12.04.2002, and appropriate orders be passed within a period of four weeks from today.

(MANJARI NEHRU KAUL)
JUDGE

July 15, 2025
sanjeev

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No