

2025:PHHC:041019



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

310

CRWP-8760-2024 (O&M)
Date of decision : 26.03.2025

Ram Niwas Sharma

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. R. Yadav, Advocate
for the petitioner.

Ms. Anita Balyan, Advocate
for respondents No. 1 and 2.

Mr. Neeraj Poswal, AAG, Haryana
for respondents No. 3 to 7.

Ms. Monika Jalota, Advocate
for respondents No. 8 and 9.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India for issuing directions to the respondents to release him prematurely, while expunging the remarks made in the police report dated 25.04.2023 (Annexure P-7), wherein it was reported that the petitioner is a person of violent nature.

2. Succinctly, the facts of the case are that the petitioner, who was serving in Indian Army, is undergoing imprisonment for life, after being convicted for committing offence punishable under Section 69 of the Army Act read with Section 302 of IPC in case arising out of FIR No. 87 dated 24.08.2008, registered under Section 302 of IPC at Police Station, Haflong, Tripura, vide judgment dated 06.07.2011 passed by the General Court Martial

2025:PHHC:041019



(Annexure P-2). The petitioner had filed an appeal in the shape of Original Application No. 1377 of 2011 before the Armed Forces Tribunal, Chandigarh but the same had been dismissed, vide order dated 03.05.2018 (Annexure P-5). The petitioner was transferred to District Jail, Narnaul, wherein he has been serving his sentence.

3. Learned counsel for the petitioner has vehemently argued that as per custody certificate dated 22.08.2024, the petitioner had already undergone the actual sentence of more than 15 years and 05 months and 17 days and total sentence of 18 years, 06 months and 11 days. His case is fully covered under the policy issued by the State of Tripura on 29.11.2021 (Annexure P-6). Hence, the case of the petitioner for his premature release should be approved and he should be released from custody as such.

4. Short reply has been filed on behalf of respondents No. 8 and 9, i.e. State of Tripura and the Superintendent, Kendriya Sansodhanagar, Tripura, respectively. It is submitted therein and learned counsel for respondents No. 8 and 9 has not disputed that the petitioner has completed the requisite sentence for being eligible for premature release. It is also submitted that a fresh/last antecedents report has been received from the Superintendent of Police, Mahendergarh on 28.01.2025, wherein no adverse thing/act has been reported against the petitioner and they have made a correspondence dated 04.02.2025 (Annexure R-8/3) with the Ministry of Home Affairs, Govt. India for obtaining view on premature release of the petitioner. It is further submitted that the case of the petitioner for premature release shall be again referred to upcoming meeting of State Level Committee for examining the same.

2025:PHHC:041019



5. In view of the above position, the present petition is disposed of with a direction to the respondents-authorities to consider and decide the case of the petitioner afresh for his premature release in view of the aforesaid fresh antecedent report, within a period of two months from the date of receipt of this order.

6. Till the time, the case of the petitioner is considered and finally decided by the respondents concerned, the petitioner is ordered to be released on special parole, subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate concerned.

26.03.2025

Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No