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

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CRWP-8796-2024 (O&M)
Date of decision : 22.12.2025

Harbans Singh**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA****Present:-** Mr. Suram Singh Rana, Advocate

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India making prayer for setting aside the order dated 08.08.2024 (Annexure P-3), passed by the respondent No. 2, whereby, the case of the petitioner for premature release, as per the policy dated 08.07.1991 (Annexure P-1), had been declined. He has also made prayer for issuance of a writ in the nature of mandamus by directing the respondents to release him prematurely on the ground that as per conditions of the aforementioned policy, he has already undergone his sentence.

2. As submitted in the petition, the petitioner had been held guilty and convicted for commission of offence punishable under Section 302 of Indian Penal Code (*for short 'IPC'*), vide judgment of conviction and order on quantum of sentence dated 15.10.2009, passed in case arising out of

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FIR No. 23 dated 07.06.2007, registered under Sections 302, 34 and 342 of IPC at Police Station Joga, Punjab and had been sentenced to undergo rigorous imprisonment for life. The petitioner had filed an appeal before this Court against his conviction, which had been dismissed, vide judgment dated 22.04.2015 passed in ***CRA-D-1032-DB-2009***.

3. Learned counsel for the petitioner has vehemently argued that the impugned order passed by respondent No. 2 is not sustainable in the eyes of law as while passing the same, it was ignored that the period of parole granted to the petitioner was to be added in actual custody period for the purpose of computing his total sentence undergone by him. As per custody certificate filed today, the petitioner had undergone actual sentence of 08 years, 07 months and 05 days. He had been granted concession of parole for a period of 02 years, 05 months and 20 days. A perusal of the impugned order would show that the claim of the petitioner had been rejected only on the ground that he had not completed actual sentence of 10 years as required under the aforesaid policy. Learned counsel for the petitioner has relied upon the authority cited as ***Inderjit Singh @ Lada vs. State of Punjab and others, 2025(1) RCR (Criminal) 307***, wherein it has been that for the purpose of premature release of a convict, the period of parole availed by him must be counted towards his actual sentence but must be deducted from his total sentence which includes remissions. Hence, the actual sentence of the petitioner comes to 11 years and 25 days if the parole period is included. Therefore, it is urged that the present petition deserves to be allowed, the impugned order is liable to be set aside and the petitioner deserves to be granted benefit of premature release.

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4. Reply along with custody certificate of the petitioner has been filed by the respondent-State. It is argued by learned State counsel that there is no illegality or infirmity in the impugned order. He had rightly been denied benefit of premature release as he had not fulfilled the conditions as required under the said policy. Therefore, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. A perusal of the impugned order dated 08.08.2024 reveals that it is not disputed that the petitioner is covered under the policy dated 08.07.1991. His application for releasing him prematurely had been rejected only on the ground that he had not completed actual sentence of 10 years as required by the policy. This Court has gone through the detailed judgment rendered by this Court in *Inderjit Singh @ Lada*'s case (supra) and as per ratio of law laid down in that judgment, the period of parole availed by an accused is to be counted towards his actual sentence for the purpose of granting him benefit of premature release. As per the custody certificate of the petitioner, which has been filed today itself, he has undergone actual sentence of 08 years, 07 months and 05 day and his parole period is 02 years, 05 months and 20 days. So, if his parole period is added to his actual sentence, the total actual sentence comes to 11 years and 25 days. Hence, it can be stated that the petitioner has undergone more than the actual sentence what was required under the said policy to grant him benefit of premature release. Hence, this Court has no hesitation to hold that the impugned order suffers from infirmity on this count.

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7. As such, in view of the discussion as made above, the present petition is allowed. The impugned order is set aside. The respondents-authorities are directed to set the petitioner at liberty forthwith by granting him benefit of premature release on usual terms and conditions as per policy dated 08.07.1991.

8. Pending application(s), if any, shall be treated as disposed of.

22.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No