



304 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-12409-2024

Date of decision: 27.01.2025

PARVEEN KUMAR ALIAS PARVEEN CHAUHAN

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Saajan Singla, Advocate
for the petitioner (Legal Aid Counsel).

Mr. Harkesh Kumar, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present criminal writ petition has been filed under Article 226/227 of Constitution of India for issuance of writ in the nature of certiorari for quashing of order dated 20.10.2022 (Annexure P-3), whereby request for pre-mature release of the petitioner has been rejected.

2. Learned counsel for the petitioner *inter alia* contends that perusal of the impugned order (Annexure P-3) indicates that the same has been passed on the premise that the petitioner has been convicted for murder with intention to collect ransom/robbery/dacoity/kidnapping/abduction. He refers to the judgment passed by Division Bench of this Court on 16.07.2013 in ***CRA No.198-DB of 2009*** titled as '***Parveen Kumar vs. State of Haryana***' and submits that the petitioner has been acquitted of offence under Section 365 IPC and he is only convicted for offence under Sections 302 IPC read with Section 201 IPC. As such, Clause (a)(ii) to (ix) of the Pre-mature Release Policy dated 13.08.2008 is not applicable in the case of the petitioner. Learned counsel



further submits that in view of the ratio of law laid down by Hon'ble Apex Court in *State of Haryana and others Vs. Jagdish, 2010 AIR (Supreme Court) 1690* (Annexure P-6), the case of the petitioner is required to be considered under the pre-mature release policy dated 12.04.2002, whereas, the case of the petitioner has been considered under the policy dated 13.08.2008 (Annexure P-5) and once, he is acquitted under Section 365 of the Indian Penal Code, the case of the petitioner could have been considered for grant of pre-mature release.

3. *Per contra*, learned State counsel submits that the reliance of the petitioner on the judgment of the Hon'ble Apex Court in *Jagdish (supra)* is totally misconceived and further, the petitioner is not eligible for pre-mature release in view of clause (ix), as the petitioner has been convicted for murder of child under the age of 14 years. Admittedly, the child, who was killed by the petitioner was of 12 years of age. As such, he is required to undergo 20 years of actual sentence and 25 years of total sentence, before he can be considered for pre-mature release.

4. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner has been convicted vide judgment of conviction dated 03.01.2009 and order of sentence dated 07.01.2009. As such, the case of the petitioner is required to be considered under the policy, which was in operation at the time of his conviction. The case of the petitioner was therefore rightly considered under the policy dated 13.08.2008 (Annexure P-5).

5. In view of the factual matrix and the fact that the petitioner has been convicted for committing murder of a child below the age of 14 years,



this Court finds no perversity in the impugned order passed by the judicial authorities and the present petition stands dismissed.

January 27, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |