

2025.PHHC:178234



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

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CRWP-13647-2025 (O&M)
Date of decision : 23.12.2025

Dharmender Shastri**...Petitioner**

Versus

State of Haryana and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Gagandeep Kaur, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India making prayer for setting aside the order dated 15.10.2025 (Annexure P-2), passed by the Additional Chief Secretary, Govt. of Haryana, Haryana Jails, whereby the case of the petitioner for his premature release, as per the policy dated 12.04.2002 (Annexure P-1) as issued by the Govt. of Haryana, had been rejected with an observation that the same should be reconsidered after completion of 20 years of total sentence by the petitioner.

2. As submitted in the petition, the petitioner had been held guilty and convicted for commission of offences punishable under Sections 302 of IPC and Section 25 of the Arms Act in case arising out of FIR No. 30 of 2003, registered under Sections 302, 201, 120-B, 379 and 34 of IPC and Section 25 of the Arms Act at Police Station Sampla, District Rohtak, vide judgment of conviction dated 19.01.2004, passed by the Court of learned

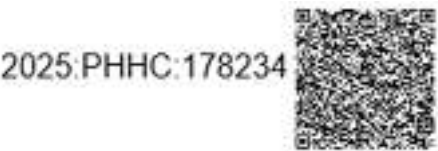
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Additional Sessions Judge, Rohtak. He had been sentenced to undergo life imprisonment. He had filed an appeal against his conviction, which had been dismissed by a Division Bench of this Court, vide judgment dated 25.02.2010 passed in ***CRA-D-403-DB-2004***.

3. Learned counsel for the petitioner has vehemently argued that the petitioner had been convicted on 19.01.2004 and at that time, policy dated 12.04.2004 was applicable with regard to premature release of the convicts. It is further submitted that as per Clause 2(4)(xii) and (xiv) of the said policy, the petitioner was required to undergo actual sentence of 15 years and total sentence of 20 years including remissions for his premature release. A perusal of the impugned order dated 15.10.2025 would reveal that a recommendation was made by the State Level Committee to reconsider his case for premature release on his completing 20 years of total sentence as per aforesaid clause. The petitioner has now completed the required period but his case is not being reconsidered by the respondents-authorities.

4. Learned State counsel has submitted that in terms of Clause 2(4)(xii) and (xiv) of the policy dated 12.04.2004, the petitioner was required to undergo a minimum of 20 years of total sentence, which he had not completed at the time of passing of impugned order. More so, the denial of the benefit of premature release was not premised solely on the non-completion of 20 years of total sentence but also on other relevant factors, including the petitioner's involvement in nine other criminal cases and the fact that he had remained absconding for a period exceeding six years in the past. Not only this, As per Section 432(2) of Cr.P.C., the opinion



of the Presiding Judge was also sought, who opined that the petitioner should not be released on premature release.

5. This Court has heard the rival submissions.
6. Admittedly, as per Clause 2(4)(xii) and (xiv) of the policy dated 12.04.2004, the petitioner needs to undergo at least 20 years of total sentence for being eligible for his premature release. A perusal of the record reveals that as on 20.08.2025, the petitioner had undergone total sentence of 19 years, 09 months and 03 days and if his total sentence is calculated upto today, the same comes to 20 years, 01 month and 06 days. Hence, the requirement under the aforesaid clause stands fulfilled. This fact is not disputed by learned Sate counsel. Hence, this Court deems it appropriate to dispose of the petition, at this stage, by issuing a direction to the respondents-authorities to reconsider the case of the petitioner for his premature release within a period of one month from today by passing a speaking order. Ordered accordingly. In the meantime, the petitioner will be released on temporary parole till the time his case for premature release is decided by the respondents-authorities, subject to completing requisite formalities.

23.12.2025

Waseem Ansari

Whether speaking/reasoned

Whether reportable

(MANISHA BATRA)

JUDGE

Yes/No

Yes/No