



CRWP-11609-2025

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

341-2

CRWP-11609-2025
Date of decision: 26.02.2026

SABIR

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Varinder Singh Rana, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the present petition filed under Article 226 of the Constitution of India is for setting aside the order dated 05.09.2025 passed by respondent No.1, in a case FIR No.1344, dated 29.12.2002, under Sections 120- B, 302 IPC read with Sections 364, 201, 120-B IPC, registered at Police Station NIT, Faridabad, vide which claim of the petitioner for premature release has been rejected.

2. Learned counsel for the petitioner submitted that the petitioner was convicted for life imprisonment on 09.12.2005 in the above said FIR. He submits that at the time of his conviction, the Premature Release Policy dated 12.04.2002 was applicable. As per Clause (a) of the said policy, a life convict becomes eligible for consideration of premature release upon completion of 20 years of sentence including remissions. He submits that the petitioner has already completed the requisite period and thus fulfills the eligibility criteria under the applicable policy. Learned counsel further submits that the petitioner has maintained good conduct throughout his



incarceration. He has availed parole on several occasions and has never misused the concession nor committed any offence during such period. His jail conduct, particularly during the last five years, has remained satisfactory, as required under the policy. He has further contended that the petitioner's case for premature release was arbitrarily rejected vide impugned order dated 05.09.2025 by deferring the matter for one year, solely on the basis of an adverse opinion of the Presiding Officer. Such rejection is contrary to law, as the opinion sought under Section 432(2) CrPC is only recommendatory in nature and not binding upon the competent authority. Learned counsel submits that the State Level Committee failed to consider binding judicial precedents which mandate that the policy applicable on the date of conviction must govern the consideration of premature release. The impugned order further ignores the settled legal position that the nature of offence alone cannot be a ground to deny premature release once the convict satisfies the eligibility conditions under the policy. It is further argued that the impugned order is arbitrary, unreasonable, and violative of Articles 14 and 21 of the Constitution of India. In view of the above submissions, learned counsel for the petitioner humbly prays that the present petition be allowed; the impugned order deferring the petitioner's case for premature release be set aside; and the respondent-State be directed to reconsider the petitioner's case for premature release forthwith in accordance with the Premature Release Policy dated 12.04.2002 and settled principles of law.

3. Per contra, learned State counsel has vehemently opposed the petition. He submits that the petitioner's case for premature release, though processed under the Policy dated 12.04.2002, was duly considered and



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rejected, as the petitioner, along with his co-accused, stands convicted for the offence of double murder, which is grave and heinous in nature, and is undergoing life imprisonment. It is contended that the Government has exercised its discretion in a fair and judicious manner, and keeping in view the seriousness of the offence, the rejection of the petitioner's claim for premature release is fully justified. Consequently, the petition, being devoid of any merit, is liable to be dismissed.

4. At this juncture, learned counsel for the petitioner has restricted his prayer to the effect that he will be satisfied, if his application for premature release is reconsidered as per the decision of the Coordinate Bench in *"Pohlu @ Polu Ram versus State of Haryana and others"*, in CRWP-8232-2022, decided on 05.02.2024.

5. I have heard learned counsel for the parties and, with their assistance, have perused the record. In view of the limited prayer made by the learned counsel for the petitioner, this Court is inclined to take a lenient view. Consequently, State of Haryana is directed to re-consider the case of the petitioner in view of decision of the Coordinate Bench in *Pohlu @ Polu Ram (supra)*, and pass an order in accordance with law within a period of 04 weeks from the date of receipt of certified copy of this order, strictly as per law.

6. The present petition disposed of in abovesaid terms.

(RUPINDERJIT CHAHAL)
JUDGE

26.02.2026

Mohit Bishnoi

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No