courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.
Website: www.courtkutchehry.com
Printed For:
Date: 15/01/2026

(2010) 12 P&H CK 0373

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-19553 of 2010 (O and M)

Mahipal		APPELLANT
	Vs	
State of Haryana and Others		RESPONDENT

Date of Decision: Dec. 2, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 120B, 302, 307, 323, 325

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Judgement

Ram Chand Gupta, J.
The present petition has been filed u/s 482 of Code of Criminal Procedure for premature release of the Petitioner.

2. Reply has been filed on behalf of Respondent-State.

3. I have heard learned Counsel for the parties and have gone through the whole record.

4. Admitted facts are that Petitioner is undergoing life imprisonment in FIR No. 107 dated 19.05.1994, under Sections 302/307/323/325/506 IPC, Police Station Khol. He was convicted and sentenced by CRM No. M-19553 of 2010 learned Additional Sessions Judge, Rewari vide judgment dated 03.04.1997. The appeal filed by the Petitioner against the said judgment was dismissed by this Court. As per reply filed on behalf Respondent-State, Petitioner has already undergone 15 years, 11 months and 19 days of actual sentence and 20 years, 5 months and 6 days of total sentence including remissions minus parole as on 12.05.2010 as per Annexure R5.

5. It has been stated by learned Counsel for the Petitioner that in view of ratio of law laid down by Hon''ble Apex Court in State of Haryana and Others Vs. Jagdish and Harpal, , the case of present Petitioner is covered under para 2(a) of the policy dated

04.02.1993 which was amended vide Memo No. 36/135/91-1JJ(II) dated 16.03.1999 and that as per the same a convict has to undergo total sentence of 20 years including remissions minus parole and however, the case of Petitioner has been rejected on the plea that he has not earned requisite remission of 6 years.

6. It has been contended by learned Counsel for the State that though Petitioner had completed 20 years of total sentence including remissions as provided under para 2(a) of the policy dated 04.02.1993 amended vide memo dated 16.03.1999 and however, he could not be released as he had not earned 6 years remission.

7. The relevant Clause 2(a) of the policy dated 04.02.1993 as amended vide memo No. 36/135/91-1JJ(II) dated 16.03.1999, read as under:

2. XX XX XX

(a) Convicts whose death sentence has been commuted to life imprisonment and convicts who have been imprisoned, for life for having committed a heinous crime, such as murder with wrongful confinement for extortion/robbery, murder with rape, murder while undergoing life sentence, murder with dacoity, murder under T.D. Act, 1987, murder with untouchability (offences) Act, 1955, murder in connection with dowry, bride burning, murder of a child under the age of 14 years, murder of woman or murder after abduction or kidnapping, murder on professional/hired basis, murder exhibiting brutality such as cutting the body into pieces or burning/dragging the body as evident from judgment of sentence, persistent bad conduct in the prison and those who cannot for some definite reasons be prematurely released without danger to public safety, or convicts who have been imprisoned for life u/s 120B of IPC or life convicts who have been awarded life imprisonment a second time under NDPS or life convicts who have been imprisoned for life second time under any offence or for any other crime that the State Level Committee consider to be "heinous" for reasons to be recorded in writing.

8. Their cases may be considered after completion of 14 Years actual sentence including undertrial period and after earning 6 years remissions or after the completion of 20 years total sentence including undertrial period and remissions.

9. Hence, in view of the abovesaid provision of the policy, the Petitioner has to undergo 20 years of total sentence including remission minus parole which he has already undergone.

10. Hence, in view of these facts, the present petition is disposed of with direction to Respondents to reconsider the premature release case of the Petitioner in the light of observations of this Court made above, within one month from the date of receipt of certified copy of this order.