

**CRWP-4968-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Case No. : CRWP-4968-2025****Pronounced On : October 14, 2025**

Imran Petitioner
vs.
State of Haryana and others Respondents

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

* * *

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

Mr. Sulinder Kumar, DAG, Haryana.

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SUKHVINDER KAUR, J. :

The petitioner has approached this Court by way of the present Criminal Writ Petition, filed under Article 226 of the Constitution of India, praying for setting aside the order dated 22.04.2025, passed by respondent no.1, whereby claim of the petitioner for premature release has been wrongly rejected by deferring the case for one year.

Brief facts of the case in hand are that the petitioner was convicted and sentenced for life imprisonment by the Court of learned Additional Sessions Judge, Faridabad, vide order dated 28.04.2004, passed in case FIR No.169 dated 18.05.2002, under Sections 302, 307, 148, 149 IPC and Section 25 of the Arms Act, registered at Police Station Hasanpur, District Faridabad. Aggrieved against the aforesaid judgment of conviction and order of sentence, the petitioner preferred Criminal Appeal before this Court



bearing No.**CRA-D-527-DB-2004**, which was dismissed on 04.08.2017 and conviction of petitioner was affirmed under Sections 302, 307 read with Section 34 IPC and Section 25 of the Arms Act.

At present, the petitioner is lodged at District Jail, Nuh and was stated to be on **parole from 31.03.2025 till 10.06.2025**.

Learned counsel for the petitioner contended that the petitioner has already undergone more than the sentence required to be undergone for considering his case for premature release. In this regard, it has been submitted that the petitioner was convicted on 28.04.2004 and at that time, policy dated 12.04.2002 (Annexure P-1) for premature release of 'life convicts' was applicable. As per clause (b) of that policy, the petitioner was required to undergo total sentence of 14 years, including remissions. However, the case of the petitioner has been rejected and deferred for one year, vide order dated 22.04.2025. Learned counsel has, therefore, prayed that the said order is liable to be set aside, especially on the ground that as per the policy, conduct of the convict for the last five years was to be seen and the petitioner maintained satisfactory conduct in the jail. Though he was involved in some of the minor jail offences, but he was punished for the same and his earned remission was forfeited. So, he cannot be punished again for the said offence.

To buttress his contentions, he referred to the judgment passed by a Co-ordinate Bench of this Court, in the case of **Pholu @ Polu Ram vs. State of Haryana and others – CRWP-8232-2022**, decided on 05.02.2024, wherein practice of deferring cases for premature release was strongly discouraged by holding that :-



“11. The entire edifice of exercise of judicial or quasi-judicial power rests on the foundation of giving reasoned and detailed orders. It is a fundamental principle of natural justice and ensures that there is proper and due application of mind while exercising said power. Therefore, the practice of arbitrarily categorizing convicts as threats to society or indiscriminately deferring their cases for premature release needs to be strongly discouraged. It is expedient that the competent authority does not act in a ritualistic fashion and application of mind is discernible.

*12. A two Judge Bench of the Hon’ble Supreme Court in **State of Haryana Vs. Jagdish - AIR 2010 SC 1690**, speaking through Justice Dr. B.S. Chauhan laid down the parameters to consider while deciding upon the question of premature release:*

“38. At the time of considering the case of premature release of a life convict, the authorities may require to consider his case mainly taking into consideration :-

- 1. whether the offence was an individual act of crime without affecting the society at large;*
- 2. whether there was any chance of future recurrence of committing a crime;*
- 3. whether the convict had lost his potentiality in committing the crime;*
- 4. whether there was any fruitful purpose of confining the convict any more;*
- 5. the socio-economic condition of the convict's family and other similar circumstances.”
(enumeration added)”*



13. *While the petitioners herein have committed grave and serious offences, once a duly enacted policy is in existence, it must be honoured and applied to each case in its letter and spirit. The theory of reformation and rehabilitation that emerged in the 18th century aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society. The peno-correctional institutes must not only be looked at as a place where punishment is carried out, but also a place of rehabilitation. The criminal justice dispensation system must be guided by the idea of allowing the offender to rectify his wrong and reintegrate into the society as a law abiding member once the sentence is served. The idea was well explained by Justice Krishna Iyer in Mohammad Giasuddin v. State of Andhra Pradesh (1977) 3 SCC 287, where he stated that “the sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturalisation”.*

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17. *Having heard learned counsel for the parties and after perusing the record with their able assistance, grounds on which the cases of the petitioner(s) were rejected, are categorized as under :-*

(i) *Involvement in other cases or jail offences.*

In view of the law laid down by the Hon’ble Supreme Court of India in Lila Singh’s case, Subhash’s case and



Kamal Kant Tiwari's case (supra), involvement of the convict in other cases or jail offences cannot be a ground to deny the concession of premature release.

xx xx xx xx xx”

Learned counsel has, therefore, prayed that the case of the petitioner be also considered for premature release as his actual undergone period comes to more than 14 years, whereas for premature release, he was required to undergo total sentence of 14 years, including remissions.

On the other hand, learned State counsel has submitted that a bare perusal of impugned order dated 22.04.2025, passed by Additional Chief Secretary to Govt. Haryana, Jails Department, would show that the petitioner is demanding premature release being life convict. However, he has been punished once for committing jail offence of serving *Halwa* to other jail inmates, which was made from animal fat (oil) and he was punished to be kept on security ward for seven days. So, the case of the petitioner has been rightly rejected.

I have heard the arguments advanced by both the parties and perused the case file.

The impugned order revealed that opinion from learned Presiding Judge was obtained, who opined that :-

“Hence, this Court (being the successor of the ld. Trial Court) is of the considered opinion that such a man did not deserve any leniency from any Quarter and ought not be released premature, as being considered by the competent authority.”

The State Level Committee considered the aforesaid opinion and



after taking into consideration all the facts and circumstances of the petitioner's case, held detailed deliberations and thereafter, it was observed that the petitioner and his co-accused committed the murder of innocent person. Even during his imprisonment, he also committed jail offence. The said Committee, keeping in view the opinion of learned Presiding Judge, rejected the case of the petitioner for premature release and ordered the same to be re-considered after one year.

From the record of the case, it transpires that after conviction, the petitioner had already undergone more than 14 years of sentence. As per ratio of law laid down in the judgments cited above, deferring the cases for premature release of convicts has been strongly condemned. As far as involvement of the petitioner in jail offences is concerned, he had already been punished for the same and in this regard, even a Co-ordinate Bench of this Court in **Subhash vs. State of Haryana** reported as **1994(3) RCR (Criminal) 489** and **Lila Singh vs. State of Punjab** reported as **1988(1) RCR (Criminal) 88** observed that involvement of other offences would not be a ground to deny the concession of premature release of a convict. In the case of **Pholu @ Polu Ram (supra)** also, it has been held that the practice of arbitrarily categorizing convicts as threats to society or indiscriminately deferring their cases for premature release needs to be strongly discouraged and that the jail offences cannot be considered as ground to deny the concession of premature release to a convict. Even the Hon'ble Supreme Court, in **Jagdish's** case (*supra*), has laid down the parameters while considering and deciding the question of releasing the convicts prematurely.

It has also been brought to the notice of this Court by learned



counsel for the petitioner that during his release on parole, the petitioner did not indulge in any such activity, that can be considered as disturbance to general public or threat to peace of public at large. There is no ground to reject the case of the petitioner for premature release.

In view of above discussion and in view of the law laid down by this Court in Lila Singh’s case (*supra*) and Subhash’s case (*supra*), involvement of the convict in other cases or jail offences cannot be a ground to deny the concession of premature release the petitioner, who has already completed more than 14 years of sentence.

Accordingly, the impugned order dated 22.04.2025, passed by respondent no.1, whereby claim of the petitioner for premature release has been deferred for one year, is hereby quashed and respondent no.1 is directed to re-consider the case of the petitioner for grant of premature release and pass an order in accordance with law, within a period of six weeks from today.

Disposed of in the aforesaid terms.

October 14, 2025
monika

(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.