
(1995) 07 P&H CK 0066

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 18085-M of 1994

Joga Singh

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 07-07-1995

Acts Referred:

Citation : (1995) 3 RCR(Criminal) 151

Hon'ble Judges : K.K.Srivastava, J

Advocate : S.K. Hooda, Ashwani Talwar, Advocates for appearing Parties

Judgement

K.K. Srivastava, J.

1. Heard learned counsel for the petitioner Joga Singh, who is a life convict and who has applied for premature release. Contention of the learned counsel for the petitioner is that as on February 3, 1995, the petitioner had undergone actual sentence of 15 years, 1 month and 4 days. Apart from it, the remission period to which he is entitled is of 8 years, 2 months and 10 days. The total period comes to 23 years, 3 months and 14 days. After notice of motion was issued to the respondents, the respondents filed reply with Annexure "R1" which is the letter dated July 27, 1994, issued by the Commissioner and Secretary to Government, Haryana, Jails Department, addressed to the Additional Director General of Prisons, Haryana, Manimajra, Chandigarh, regarding the premature release of the petitioner. This letter (Annexure "P1") was written with reference to memo No. 10577 GI/G3/T332420 dated 1/2.6.1994 of the Additional Director General of Prisons, Haryana, Manimajra, Chandigarh, recommending the case of premature release of the petitioner/life convict. The recommendation was turned down by the Committee which inter alia considered the fact that brutal murders in this case were committed. The Committee also noticed that during his confinement in jail, the convict committed some jail offences mentioned in the said letter (Annexure "R1"). The Committee, however, observed that the case of the petitioner may be considered again by the Committee after the lapse of two years.

2. The learned counsel for the petitioner pointed out that recently the State Government has ordered the release of a coconvict of this case, namely, Rattan Singh son of Sulakhan Singh vide government order No. 36/20/94IJJ(II) dated July 2, 1995. The learned counsel for the petitioner has also referred to Annexure "R2" filed with the reply of the respondents wherein details of certain jail offences committed by the life convict Joga Singhpetitioner have been mentioned and he has, in this regard, contended that the State Government has to consider the case of premature release without taking into consideration the jail offences committed by the life convict. In support of his contention, he has cited the case of Subhash v. State of Haryana, 1994(3) Recent Criminal Reports 489 , wherein a learned Single Judge of this Court held while considering para 516B of the Punjab Jail Manual that the jail offences committed by the life convict is not a legal ground to deny premature release by the State Government. In that case, the life convict Subhash was accused of committing 19 jails offences.

3. Having considered the facts and circumstances of this case, the petition deserves to be allowed and it is directed that the respondents shall reconsider the case of the petitioner for his premature release and while doing so the jail offences committed by him shall not be taken into consideration. The matter will be considered by the respondents within four months from today.