



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-894-2026

Date of decision: 05.05.2026

MAHAVIR SINGH

....Petitioner

Versus

STATE OF HARYANA THROUGH SECRETARY TO
GOVERNMENT OF HARYANA, JAILS AND HOME
DEPARTMENT AND ORS.Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Amit Khatri, Advocate for the petitioner.

Mr. Armaan Dahiya, AAG Punjab.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the present petition filed under Article 226/227 of the Constitution of India is for setting aside the order dated 02.01.2026 (Annexure P-3) passed in a case FIR No.341, dated 02.07.2007 under Sections 302, 201 of IPC registered at Police Station City Kaithal, District Kaithal, vide which claim of the petitioner for premature release has been rejected.

2. Learned counsel for the petitioner submitted that the petitioner is undergoing sentence in different jails. He submits that the petitioner has undergone more than 17 years in jail in actual and including remission he has undergone 20 years, which is the requirement of the policy of the Haryana Government for premature release. He submits that the petitioner was convicted on 08.07.2009 and hence, the premature release policy dated



13.08.2008 of the Haryana Government which was prevailing at the time of his conviction is equally applicable upon him. He therefore, submits that the petitioner has already completed the requisite period and thus fulfills the eligibility criteria under the applicable policy. He has further contended that the petitioner's case for premature release was arbitrarily rejected vide impugned order dated 02.01.2026 solely on the basis that the petitioner is involved in 10 jail offences and 05 other criminal offences. 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 precedent in case of "***Pohlu @ Polu Ram versus State of Haryana and others***" in CRWP-8232-2022 decided on 05.02.2024, 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 involvement of convict in other jail offences 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 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, was duly considered and rejected, as the petitioner, stands convicted for the offence of murder, which is grave and heinous in nature, and is undergoing life imprisonment. He further contends that the petitioner is alleged to have committed 10 jail offences and 05 other serious criminal offences which shows that the petitioner has a persistent bad conduct during last 05 years as well as throughout life imprisonment inside the jail and has no respect for law. 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 present 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 pre-mature release is reconsidered as per the decision of the Coordinate Bench in "*Pohlu @ Polu Ram (supra)*".

5. I have heard learned counsel for the parties and, with their assistance, have perused the record. The State's reliance on the petitioner's involvement in 10 jail offences and 5 other criminal cases, by itself, cannot constitute a legally sustainable ground to deny premature release, particularly when the petitioner otherwise satisfies the eligibility conditions under the applicable policy. The case is squarely covered in view of the decision of the Coordinate Bench in "*Pohlu @ Polu Ram (supra)*". In view of the limited prayer made by the learned counsel for the



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petitioner, the impugned order dated 02.01.2026 (Annexure P-3) dismissing premature release of the petitioner is quashed and the concerned authority is directed to decide the same afresh 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 above said terms.

(RUPINDERJIT CHAHAL)
JUDGE

05.05.2026

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No