

2023 CrLT 0001 = 2023 PLRonline 0116

Punjab Pre-mature Release of Life Convicts Policy, 2011, and related legal provisions:

- Policy Background:** The Punjab Pre-mature Release of Life Convicts Policy, 2011, is in focus, along with relevant sections of the Indian Penal Code, 1860 (Section 302) related to murder cases and the Code of Criminal Procedure, 1973 (Section 426, 427).
- Punishment for Murder:** Section 302 of the Indian Penal Code prescribes life imprisonment as the punishment for murder.
- Life Sentence:** Convicts sentenced for murder receive a life sentence, which means imprisonment until death unless otherwise specified.
- Contradiction with Supreme Court's Decision:** The Trial Court's sentence contradicts a Supreme Court decision in V. Sriharan @ Murugan, 2016 (7) SCC 192, which suggests that only the High Court or Supreme Court can impose such a sentence.
- Review for Premature Release:** State authorities have the authority to review the petitioner's case for early release based on the policy dated 08.08.2011.
- Concurrent Sentence:** When a person is already serving a life sentence, any subsequent sentences will run concurrently with the earlier life imprisonment.
- Consideration for Release:** The policy considers the conduct of the convict during the last five years, with a focus on good conduct without any jail offenses during that period.
- Past Jail Offense:** Even though the petitioner had committed a jail offense more than 9 years ago and was convicted for it, the appeal against conviction is pending, and the sentence has been suspended by the Court of Additional Sessions Judge.
- Interim Release:** In light of the circumstances, the conviction and jail offense cannot be the reason to withhold the petitioner's case for premature release. The petitioner may be released on interim bail, pending a decision by the competent authority.
- Conditional Release:** The release order is subject to the final outcome of the petitioner's appeal, and the petitioner must provide necessary bonds to the satisfaction of the learned Chief Judicial Magistrate concerned.

Punjab and Haryana High Court

Before: Deepak Gupta, J.

Ravdeep Kaur – Petitioner

Versus

State of Punjab & Ors. – Respondents

CRWP-3794 of 2023

Punjab Pre-mature Release of Life Convicts Policy, 2011 - Indian Penal Code, 1860 (45 of 1860), Section 302 - Murder case - Punishment - Life sentence until death - Premature release - Trial Court's sentence contradicts the Supreme Court's decision in *V. Sriharan @ Murugan, 2016 (7) SCC 192* - Only High Court or Supreme Court can impose such a sentence - State authorities can still review the petitioner's case for early release based on their policy from 08.08.2011

Indian Penal Code, 1860 (45 of 1860), Section 302 - Code of Criminal Procedure, 1973 (2 of 1974), Section 426, 427 - Murder — Life sentence - Subsequent sentence - Concurrent running of Sentence - Since the Petitioner is already undergoing life imprisonment, therefore, even if she has been convicted and sentenced subsequently, the subsequent sentence is to run concurrently with the earlier sentence of life imprisonment. [Para 36]

Punjab Pre-mature Release of Life Convicts Policy, 2011 - Indian Penal Code, 1860 (45 of 1860), Section 302 - Murder - Murder Conviction and Pre-mature Release Consideration - Trial Court sentenced convict to life imprisonment until death - Appeal against conviction pending - Premature release - As per the policy, conduct of the convict during the last five years is to be taken into account - The overall conduct is to be considered good, in case convict has not been punished for any jail offence during the last five years - Jail offence was committed more than 9 years ago - Has already been convicted and punished for that offence - Appeal against conviction is pending - Sentence has already been suspended by the Court of Addl. Sessions Judge - In such circumstances, the conviction and jail offence in question cannot be the reason to withhold the case of the petitioner for premature release - Until a decision is made by the competent authority, petitioner shall be released on interim bail upon providing the necessary bonds to the satisfaction of the learned Chief Judicial Magistrate concerned - However, release order is subject to the final outcome of the petitioner's appeal. [Para 37 to 45]

Cases referred:

- 1. *Maru Ram v. Union of India, AIR 1980 SC 2147.***
- 2. *State of Haryana v. Jagdish, 2010(3) JT 341.***
- 3. *State of UP v. Sanjay Kumar, 2012 (8) SCC 537.***
- 4. *Union of India v. V. Sriharan @ Murugan and others, 2016 (7) SCC 192.***
- 5. *Narender Singh @ Mukesh @ Bhura v. The State of Rajasthan, 2022 LiveLaw (SC) 247.***
- 6. *Savitri v. State of Haryana and others, 2020 (3) RCR (Crl) 182.***
- 7. *Neki Nalwa v. State of Punjab and others, 2017(5) RCR (Crl) 261.***

8. Rajkumar v. The State of Uttar Pradesh, Misc. Appl. No.2169 OF 2022 in WP (Criminal) No.36 of 2022 decided on 6th February, 2023.

9. State of Andhra Pradesh and another v. Vijayanagaram Chinna Reddappa, SLP (Crl.) No.2820 of 2023 decided on 28.04.2023.

10. Subhash v. State of Haryana, 1994 (3) RCR (Criminal) 489.

11. Brahma Nand v. State of Haryana and others, 2015(3) RCR (Criminal) 836.

12. Raj Kumar v. State of Punjab, (CRM-55534-M-2006), decided on 12.12.2006.

13. Kamal Kant Tiwari v. State of Punjab and others, 2014(2) RCR (Criminal) 940.

Mr. Kanwaljit Singh Ahluwalia, Sr. Advocate, with Mr. Ajaivir Singh, Advocate, for the Petitioner. Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J. - (Reserved on: 05.09.2023 Decided on: 29.09.2023)

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