



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**



D.B. Criminal Writ Petition No. 1953/2024

Chaina Ram S/o Shri Bhanwar Lal, Aged About 42 Years, R/o House No. 185, Village Jhalamand, P.s. Jhalamand, Distt. Jodhpur Rural. (Presently Lodged In Central Jail, Bikaner) Through His Wife Smt. Sushila W/o Chaina Ram, Aged 37 Years, R/o House No. 185, Village Jhalamand, P.s. Jhalamand, Distt. Jodhpur Rural.

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary Department Of Home, Secretariat Jaipur (Raj)
2. The District Collector, Cum Magistrate, Bikaner.
3. The Superintendent Central Jail, Bikaner.

-----Respondents

For Petitioner(s) : Ms. Laxmi Ramawat

For Respondent(s) : Mr. Deepak Choudhary, GA-cum-AAG

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI  
HON'BLE MR. JUSTICE MANOJ KUMAR GARG**

**Order**

**15/10/2024**

1. The present petitioner, who is languishing in Central Jail, Bikaner, has preferred the present petition seeking release on first parole for 20 days.
2. The petitioner applied for his release on parole under the Rajasthan Prisoners Release on Parole Rules, 1958 (For short hereinafter called 'the Rules'). The authorities rejected the application made by the petitioner by their order dated 23.08.2024. It is against this rejection, the petitioner is in writ.
3. Learned counsel for the petitioner submits that the petitioner has undergone total custody of 10 years, 6 months and 16 days.



She further submits that the matter pertains to first parole of 20 days. The allegation was under Sections 302, 120-B IPC R/w Section 3/25 of Arms Act and the sentence was life imprisonment. Counsel has demonstrated from the record that the reports of the Jail authorities and the Social Welfare Department are in favour of the petitioner, however, the Police report says that there might be a chance of danger to the life of the accused because of the nature of the offence and the revengeful attitude of the sufferer.

4. The Jail Department has submitted its reply.
5. Learned AAG is unable to refute the aforesaid factual matrix.
6. Heard learned counsel for the parties and perused the material available on record.
7. The convict has already undergone a sentence of 10 years, 6 months and 16 days as on 20.09.2024. It is pertinent to note that the petitioner does not suffer from any ineligibility for his release on parole as prescribed under Rule 16 of the Rajasthan Prisoners Release on Parole Rules, 2021. More so, Ipsi dixit reason of adverse police report cannot be a ground for refusing parole. It is well settled that parole is a device for reformation of a criminal for his rehabilitation in society. The object of parole can't be frustrated on the basis of vague and ill-founded reasons. The law and order is the issue which has to be seen by the State and unless there is something very peculiar which is pointed out, the law and order cannot become a ground for refusal of parole, which is enshrined under the rules.
8. Accordingly, this petition is allowed and convict prisoner – **Chaina Ram S/o Shri Bhanwar Lal** is directed to be released on first parole of 20 days strictly in accordance with the provisions of



Parole Rules after ensuring its strict compliance as required before his release, provided he furnishes two sureties in a sum of Rs.25,000/- each and a personal-bond of Rs.50,000/- to the satisfaction of Superintendent, Central Jail, Bikaner. The Superintendent, Central Jail concerned will give a date for surrender of convict and shall also be at liberty to impose other reasonable and adequate conditions to ensure his return to the State custody after availing the parole.

9. This Court directs that if during the period in which the prisoner is released on parole indulge in any kind of offence or/and any report is lodged against him of any offence, then in such event, the parole granted to him shall stand cancelled.

**(MANOJ KUMAR GARG),J**

**(PUSHPENDRA SINGH BHATI),J**

146-MS / M Singh/-