

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 81 of 2018**

Sanjay Sarkar S/o Ajit Sarkar, Aged about 43 years, R/o Village Nakka, P.S. Marwahi, Tahsil Marwahi, Distt. Bilaspur, Chhattisgarh.

Through : Nikhil Sarkar S/o Ajit Sarkar, Aged about 48 years, R/o Village Nakka, P.S. Marwahi, Tahsil Marwahi, Distt. Bilaspur, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through its Principal Secretary, Department of Home (Jail) Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur, Chhattisgarh.
- 2.The Jail and Correctional Services Chhattisgarh, The Director General Prisons, Jail Road, Raipur, Distt. Raipur, Chhattisgarh.
- 3.The Jail Superintendent, Central Jail Bilaspur, Distt. Bilaspur, Chhattisgarh.
- 4.The District Magistrate Bilaspur, Distt. Bilaspur, Chhattisgarh.
- 5.The Superintendent of Police, Distt. Bilaspur, Chhattisgarh.

--- Respondents

For Petitioner	:- Mr. Sunil Verma, Advocate
For State	:- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/02/2021

1. Learned counsel for the petitioner submits that learned District Magistrate is absolutely unjustified in rejecting petitioner's application for grant of leave on parole by passing a non-reasoned and non-speaking order and ignoring the law laid down by this Court for grant of parole in the matter of **Rakesh Shende v. State of Chhattisgarh**¹, as such, petitioner's application be granted and he be released on parole.
2. Learned State counsel submits that if further time is granted, appropriate order will be passed by the competent authority within 15 days from the date of receipt of a copy of this order.
3. I have heard learned counsel for the parties at length.
4. A careful perusal of the impugned order would show that learned District Magistrate has assigned no such reason in the impugned order that petitioner's release would be detrimental to public safety and has rejected his application by passing a non-reasoned and non-

¹ WPCR No. 29/2016 decided on 18/11/2016

speaking order. As such, the impugned order rejecting petitioner's application for grant of leave on parole is hereby quashed and the matter is remitted to learned District Magistrate, Bilaspur who will consider it afresh and pass a reasoned and speaking order within 15 days from the date of receipt of a copy of this order.

5. With the aforesaid direction, this writ petition stands disposed of. No cost(s).

6. A copy of this order be sent to the concerned District Magistrate by e-mail/fax for needful and compliance.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet