HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition (Parole) No. 2211/2023

Mukesh S/o Shri Bardhi Lal, R/o Ganeshpura, Police Station Dei, District Bundi, Rajasthan. (Presently Confined In Central Jail Kota). Through His Father Birdhi Lal Bairwa S/o Motilal Bairwa, Aged About 50 Years, R/o Ganeshpura, Police Station Dei, District Bundi, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. The Superintendent, District Jail, Bundi.
3. The District Collector, Bundi.

----Respondents

For Petitioner(s) : Mr. Lakhan Singh Meena
For Respondent(s) : Mr. Vivek Choudhary, PP

JUSTICE ANOOP KUMAR DHAND

Order

10/12/2024

1. By way of filing of this petition a challenge has been led to the impugned order dated 24.08.2023 passed by the District Magistrate, Bundi by which the application submitted by the petitioner under Rule 9 of the Rajasthan Prisoners Release on Parole Rules, 1958 (for short 'the Rules of 1958') has been rejected.

2. Learned counsel for the petitioner submits that the petitioner has completed eight years of sentence out of the total sentence of 20 years and thereafter, he submitted an application for release on first parole for 20 days in terms of the Rule 9 of the Rules of 1958 before the Authorities.

Counsel submits that the said application submitted by the petitioner has been rejected on the basis of the report of the Superintendent of Police, wherein it has been mentioned that the petitioner and the complainant belongs to the same village and in case, the petitioner is released on parole, there are chances of quarrel between the parties and the petitioner may abscond. Counsel submits that no material has been annexed with the impugned order and only on the basis of apprehension, the order impugned has been passed, hence, under these circumstances, interference of this Court is warranted.

3. Per contra, learned counsel for the State opposed the arguments raised by the counsel for the petitioner and supported the order impugned passed by the authorities.

4. Heard and considered the submissions made at Bar and perused the material available on the record.

5. It is settled proposition of law that unless and until concrete evidence/documents are placed on the record, that the release of prisoner would affect the peace and tranquility in the society, his prayer for release on parole cannot be denied simply on the basis of apprehensions. The impugned order qua the petitioner is liable to be and is hereby quashed and set aside.

6. Accordingly, the instant criminal writ petition stands allowed. The respondents are directed to release the petitioner on parole for 20 days in terms of the Rule 9 of the

Rules of 1958 upon furnishing personal bond of Rs.1,00,000/- (in words rupees One Lakh) with two surety bonds in the sum of Rs.50,000/- (in words rupees Fifty Thousand) each to the satisfaction of the Superintendent of Jail on usual terms and conditions. The Superintendent of Jail shall be at liberty to impose other adequate reasons to ensure the return of the petitioner to custody after availing the parole.

7. All pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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