HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Writ Petition No. 2550/2024

Sita Ram S/o Shri Ramlal, Aged About 30 Years, At Present Lodged In Central Jail, Bikaner Throhgh His Mother Smt. Krishna Devi W/o Shri Ramlal Aged 64 R/o Ward No. 04, Bhukrakha, P.s. Nohar, Dist. Hanumangarh

----Petitioner

Versus

1. State Of Rajasthan, Home Department, Jaipur
2. The Dist. Collector, Bikaner
3. The Superintendent Of Police, Central Jail, Bikaner

----Respondents

For Petitioner(s)	:	Mr. K.R. Bhati
For Respondent(s)	:	Mr. N.K. Gurjar AAG assisted by Mr. Vikram Singh Rajpurohit, Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

14/02/2025

1. The instant criminal writ petition has been preferred by the convict-petitioner seeking his release on first parole of twenty days.

2. The District Parole Advisory Committee, Bikaner rejected the parole application of the convict-petitioner vide the impugned recommendations dated 19.11.2024 based on adverse opinion of the Superintendent of Police, Hanumangarh.

3. Learned counsel for the petitioner submits that the parole application of the petitioner has been rejected on mechanical grounds and he deserves to be released on parole being eligible as per rules.

4. Learned Public Prosecutor representing the State has opposed the parole petition.

5. Heard. Perused the material available on the record.

6. It is reflecting from the minutes of the meeting of the Parole Advisory Committee that as per the letter received from the Superintendent, Central Jail, Bikaner, the conduct of the petitioner in jail is satisfactory. The Probation and Jail Welfare Officer, Bikaner also has given his opinion in favour of release of the convict on parole. However, the Superintendent of Police, Hanumagarh has given adverse opinion regarding release of the petitioner on parole citing the reasons that releasing the convict on parole will give wrong message in the society; there is threat to the life of the petitioner at the hands of the complainant party and there is possibility of breach of peace and tranquility in the area in case of release of the petitioner on parole.

7. Having heard and considered the submissions advanced by the learned counsel for the parties and on perusal of the material placed on record including the reply filed on behalf of the State, this court is of the considered opinion that the reasons assigned in the order impugned for denying parole to the petitioner are absolutely mechanical, vague and extraneous and are not based on justifiable grounds so as to deny parole to him. Maintaining law and order and protecting life and limb of every citizen is the responsibility of the State and it cannot shirk from that. Further if there is apprehension regarding abscondance of the petitioner or any scuffle, which might take place between the victim party and the convict-petitioner, the same can very well be taken care of by requiring the convict to submit sound and solvent sureties and

imposing appropriate conditions. Parole is an important facility provided to convicts to help them to come back into the mainstream of life. It is nothing but an instrument of social rehabilitation of the prisoner and the same should not be ordinarily denied based on flimsy grounds. In the case at hand, the petitioner has already served the sentence of more than six years as on date out of the total sentence of 12 years awarded to him. The petitioner has earlier availed interim parole of 20 days and has not misused the facility at that time. There seems no apparent reason for denying him parole.

8. In this background, this court is inclined to accept the instant parole writ petition, which is hereby allowed. It is ordered that the convict-petitioner shall be released on first parole of twenty days upon his furnishing personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of Superintendent Central, Jail, Bikaner on the usual terms and conditions. The Superintendent, Central Jail, Bikaner shall be at liberty to impose other adequate and reasonable conditions to ensure return of the convict to the custody after availing the parole. The term of parole shall be computed from the date of his actual release.

(FARJAND ALI),J

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