HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition (Parole) No. 16776/2026
CNR: RJHC020704812026 | URN: CW / 35123U / 2026

Gabada @ Gabad Singh @ Gordhan S/o Shri Pohap Singh, R/o Sirohi, Police Station Devgarh, Tehsil Jora, District Muraina (M.P.) (At Present Serving Sentence In Open Air Camp Kishangarh, District Ajmer)
Through His Son Rajkumar S/o Gabada @ Gabad Singh @ Gordhan, Aged About 43 Years, R/o Sirohi, Police Station Devgarh, Tehsil Jora, District Muraina (M.p.)

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Home, Govt. Secretariat, Jaipur.
2. The Director General Of Prisons, Directorate Prison, Rajasthan, Jaipur.
3. The Superintendent, Central Jail, Ajmer.

----Respondents

For Petitioner(s)	:	Mr.Govind Prasad Rawat, Adv. with Mr.Bhawani Singh Rathore, Adv.
For Respondent(s)	:	Ms.Neha Goyal, AAAG for State.

HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL
HON'BLE MR. JUSTICE SAMEER JAIN

Order

28/10/2026

1. The application for permanent parole filed by the petitioner has been rejected by the respondent in view of Rule 14 (c) of the Rajasthan Prisoners Release on Parole Rules, 1958 (hereinafter to be referred as "the Rules of 1958") on the ground that he overstayed the parole period and twice absconded after granting parole.

2. Learned counsel for the petitioner submits that overstaying of the petitioner after being released on parole would not fall under Rule 14 (c) of the Rules of 1958 and he would be entitled for permanent parole and even for absconding from the jail, he has already suffered punishment for a period of one year in jail and has also undergone the original sentence of 19 years, therefore, the impugned order dated 06.01.2026 is liable to beset-aside.

3. Learned counsel for the petitioner relied upon the order passed by this Court in the matter of **Om Prakash Vs. State of Rajasthan & Ors (D.B. Criminal Writ Petition (Parole)No.398/2024)** decided on **24.04.2024** wherein the provision contained under Rule 14(c) of the Rules, 1958 has been considered. Rule 14(c) of the Rules, 1958 reads as under:-

> *"14.Ineligibility for release- The following classes of prisoners will ordinarily not be eligible for release on parole:-*
>
> *(a) persons whose ordinary place of residence is outside the State of Rajasthan or who have been convicted by a Court Martial or a Court of another State;*
>
> *(b) Persons convicted under the Explosive Substances Act, 1908;*
>
> *(c) Prisoners who have escaped from the Jail or Police custody or attempted to escape;*
>
> *(d) Persons who have been convicted for offences under Sections 121 to 140, 216A, 302, 303, 311,328, 332, 364, 386, 387, 388, 389, 392, 393, 394,395, 396, 397, 398, 399, 400, 401, 402, 413, 455,458, 459 and 460 of the Indian Penal Code, 1860;*
> *unless they have undergone [one-fourth] of the sentence including remission and the Superintendent of Jail recommends the case in consultation with the District Magistrate with*

> *special reasons therefore. In granting parole to prisoners sentences u/s. 302 I.P.C the circumstances of the case under which the murder was committed, such as murder committed for possession of land or over honour of women oras a result of family feuds shall be kept in view and favourably considered for parole."*

4. Learned counsel for the respondent-state submits that the petitioner absconded twice after granting the parole, therefore, he is not entitled for grant of permanent parole.

5. We have heard learned counsel for the parties, considered the rival submissions and gone through the relevant record including the impugned order.

6. This Court in the matter of **Om Prakash** (supra) has clearly held that overstaying of the convict after being released on parole would not fall under Rule 14 (c) of the Rules of 1958. The petitioner remained in jail for 20 years and has already suffered the punishment of one year for absconding from jail after the parole being granted.

7. In light of decision rendered in the matter of **Om Prakash** (supra), we deem it proper to grant permanent parole to the petitioner.

8. In that view of the matter, the civil writ petition (parole) is allowed. The order dated 04.05.2026 passed by the Competent Authority is quashed and set-aside. This Court directs the respondents to release the petitioner namely **Gabada @ Gabad Singh @ Gordhan S/o Shri Pohap Singh** on permanent parole provided he furnishes a personal bond in the sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the Superintendent, Central Jail, Ajmer if not wanted in any other criminal case. The Superintendent, Central Jail, Ajmer may further

put any other condition to secure the presence of the petitioner, if need, be in accordance with the law. The petitioner is further directed to maintain the peace and tranquility during the period of permanent parole.

(SAMEER JAIN),J (SANJAY K. AGRAWAL),CJ

82/Himanshu Soni/Sourav