



RAJASTHAN HIGH COURT

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

D.B. Writ Miscellaneous Application No. 449/2026
CNR: RJHC010801392026 | URN: WMAP / 917U / 2026

Asharam Alias Ashumal

-----Petitioner

Versus

State Of Rajasthan

-----Respondent



For Petitioner(s) : Mr. Nishant Bora,
Mr. Kaluram Bhati,
Mr. Yashpal Singh Rajpurohit &
Mr. Bharat Sain.

For Respondent(s) : Mr. B.L. Bhati, AAG
with Mr. Deepak Chandak

**HON'BLE DR. JUSTICE NUPUR BHATI
HON'BLE MR. JUSTICE SANJEET PUROHIT**

Order

03/10/2026

1. The applicant has filed the instant misc. application to issue directions to the respondents to comply with the order dated 03.08.2026, whereby the applicant was granted parole for a period of twenty days.
2. Learned counsel for the applicant submits that, for reasons best known to the respondents, the applicant has not yet been released on parole and the aforesaid order remains unimplemented.
3. Learned Additional Advocate General appearing for the State submits that while granting parole vide order dated 03.08.2026, the Division Bench had observed that if there is any other criminal case registered against the applicant in any other State, the same law will take its own course; and it is for this reason that the



respondents have refrained from releasing the applicant on parole. Learned AAG further contends that, since the applicant stands convicted by a competent court in another State, namely Gandhinagar, Gujarat, he is obliged to file an appropriate application before the High Court of Gujarat seeking release on parole in terms of Rule 14(a) of the Rajasthan Prisoners Release on Parole Rules, 1958 ("Rules of 1958"). It is also submitted that the applicant cannot be released on parole in the present case, as his application for emergent parole before the High Court of Gujarat has already been rejected.

4. *Per contra*, learned counsel for the applicant submits that although the application for emergent parole preferred before the High Court of Gujarat was dismissed vide order dated 13.08.2026, the Division Bench, while dealing with the respondents' objection founded on Rule 14(a) of the Rules of 1958, nonetheless granted parole to the applicant for a period of twenty days vide order dated 03.08.2026. Learned counsel for the applicant thus submits that in these circumstances it was not incumbent upon the applicant to file a separate application before the High Court of Gujarat for implementation of the said order.

5. Having regard to the submissions made by the counsel for the parties, this Court finds that the learned AAG is unable to point out any legal impediment, arising from criminal proceedings outside the State of Rajasthan, which would operate to nullify or suspend the effect of the order dated 03.08.2026. The entitlement to emergent parole is governed by distinct statutory and rule-based provisions and cannot, by itself, be construed as adversely affecting the obligation to comply with the order dated



03.08.2026. Upon a specific query of the Court, the respondent-State is unable to point out that order dated 03.08.2026 has been laid challenge before the Apex Court, nor any application for recalling or modification thereof has been filed. In the aforesaid circumstances, there is no iota of doubt that the order dated 03.08.2026 has to be complied with.

6. Consequently, the respondents are under a binding obligation to give effect to and comply with the said order. Let a compliance report, indicating actual release of the applicant on parole in terms of the order dated 03.08.2026, be placed before this Court on the next date of hearing.

7. List the matter in the third week of October, 2026.

(SANJEET PUROHIT),J

(DR.NUPUR BHATI),J

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