REPORTABLE

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition (Parole) No. 12287/2026
CNR: RJHC020596482026 | URN: CW / 3923U / 2026

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Anil S/o Shri Hetram, Aged About 44 Years, R/o Asthapan, Police Station Kumher, District Deeg (Raj.) (At Present In Central Jail, Sri Ganganagar), Through His Mother Mahadevi W/o Shri Hetram, Aged About 66 Years, R/o Village Asthapan, Police Station Kumher, District Deeg (Raj.) 321201.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Home, Secretariat, Jaipur.
2. The Joint Secretary, Department Of Home (Group-12), Government Of Rajasthan, Government Secretariat, Jaipur.
3. The Prisoners Parole Advisory Committee (State Committee), Through Its Chairman, Director General Of Prisons, Rajasthan.
4. The Superintendent Central Jail, Sri Ganganagar.
5. The District Magistrate, Deeg (Raj.)

----Respondents

For Petitioner(s) : Mr. Vishram Prajapati
For Respondent(s) : Mr. Aman Agrawal with Ms. Neha Goyal

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

29/10/2026

1. This writ petition has been filed against the impugned order dated 16.06.2026 passed by the Competent Authority, by which the application of the petitioner for release on permanent parole has been rejected on the ground that out of three regular parole,

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he has availed only one regular parole, therefore, he will not be entitled to permanent parole. The last paragraph of the impugned order states as under:

> *''राजस्थान कैदी कारावास कालीन अवकाश नियम, 1958 प्रावधानुसार जिन धाराओं में मृत्युदण्ड प्रावधान नहीं है, उनमें 03 नियमित पैरोल सदाचारपूर्वक भुगती जाना आवश्यक है। किन्तु बंदी द्वारा 01 नियमित पैरोल का उपभोग किया गया है और इसके द्वारा किये गये उक्त कृत्य को दृष्टिगत रखते हुए समिति का मत है कि बंदी को स्थाई पैरोल पर रिहा किया जाना सामाजिक हित में उचित नहीं होगा।''*

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2. Feeling aggrieved by the aforesaid order, the present writ petition has been filed by the petitioner stating that in the proviso second to Rule 10 of the Rajasthan Prisoners Release on Parole Rules, 2021 (for short 'the Rules of 2021'), there is no such bar that if he has not applied any regular periodic parole or not availed any regular parole for any reason shall not be disqualified for permanent parole. As such, the impugned order passed by the Competent Authority is liable to be set aside.

3. Learned counsel for the respondents would support the impugned order.

4. We have heard learned counsel for the parties, considered their rival submissions and gone through the record of the case, including impugned order.

5. For grant of permanent parole, Rule 10 of the Rules of 2021 provides as under:

> *"**10. Parole Period.-** A prisoner, who has completed with remission, if any, one-fourth of his sentence and subject to good conduct in the Jail, may be released on first parole for twenty days including days of journey to home and back and for thirty days on second parole if his behaviour has been good during the first parole and for fourty days on third parole if his behaviour has been good during the second parole. If during the third parole also the prisoner has behaved well and his character has been exceedingly well and if the prisoner's conduct has been such that he is not likely to relapse into crime, his case may be recommended to the Government through the State Committee for permanent release on parole if*

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he has served two third of sentence including remission on such conditions as deemed fit by the State Committee. The State Government may, on recommendation of the State Committee, grant parole on such conditions as deemed necessary by it among them the main condition being that if the prisoner while on parole commits any offence or abets, directly or indirectly, commission of any offence, he has to undergo the unexpired portion of the sentence in addition to any sentence imposed upon him for such an offence. In case the permanent release on parole is rejected, the prisoner shall be eligible for release on parole for fourty days every year on the same conditions for the remaining period of his sentence:

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Provided that the cases of prisoners who have been sentenced to imprisonment for life, for an offence for which death penalty is one of the punishments provided by law or who have been sentenced to death but this sentence has been commuted under section 433 of the Code of Criminal Procedure, 1973 into one of life imprisonment shall not be placed before the State Committee for permanent release on parole unless he has served fourteen years of imprisonment excluding remission, but including the period of detention during enquiry, investigation or trial. Such prisoners may be released on parole for fourty days every year for the remaining period of their sentence subject to the conditions as stated above.

Provided further that if a prisoner has not applied any regular periodic parole or not availed any regular parole for any reason shall not be disqualified for permanent parole.

Provided also that no second and subsequent release on parole, except release on permanent parole, shall be made unless eleven months have elapsed from the date of the expiry of the period of release on parole immediately preceding."

6. The second proviso to Rule 10 of the Rules of 2021 provides that if a prisoner has not applied any regular periodic parole or not availed any regular parole for any reason shall not be disqualified for permanent parole. As such, not availing or applying for the regular or periodic parole would not be a disqualification for grant of permanent parole as specified in the Rule 10 of the Rules 2021.

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7. Similar view has been taken by the Division Bench of this Court in the matter of **Suraj Giri Vs. State of Rajasthan & Ors.**[1], wherein this Court has held that non availing of three or any of paroles by prisoner itself is not a ground for refusal of permanent parole. In paragraph 15, it has been held as under:

> *"15. After considering the law on parole and aims and objects behind making provision for release of prisoner on parole, we are of considered opinion that non-availing of three paroles or any of these paroles by the prisoner itself is not a ground for refusal of permanent parole. Our view finds support from the judgments referred above that normally there cannot be punishment for not availing the benefit under the beneficial legislation unless so is provided by law. It is also settled law that if the punishment is not provided for not taking benefit of law then the court cannot and should not prescribe and give punishment to any person who has not availed the benefit of beneficial law. Therefore, if prisoner who failed to avail the benefit of first parole, second parole and third parole, at the most, cannot get the benefit of first parole, second parole and the third parole by virtue of expiry of term of his sentence and he cannot claim any compensation for non-releasing of such prisoner on parole because of his own fault or because of the lapses on the part of the jail administration, if it is there. So far as permanent release on parole is concerned, it cannot depend upon the prisoner's availing or non-availing the benefit of first, second and third parole and the prisoner can show his behaviour while serving sentence in prison to be of standard on the basis of which, the prisoner can be released on permanent parole which may be of such standard as it would have been of the standards if prisoner would have been released on parole and lived outside the prison where he may have shown while on parole. In such cases the prisoner's character and conduct within jail will be relevant. In case, he because of his ignorance or because of lapse on the part of jail authorities of not bringing in the knowledge of the prisoner about his right under rule 9, missed the opportunity to avail the benefits of first, second and third or any of the above parole but not because of his fault then such person can not be denied the benefit under the Rules of 1958. The prisoner whose case has been considered for release on parole and if is found not eligible for grant of parole, his case stands on different footing."*

8. In view of the aforesaid decision and the express provision contained in second proviso to Rule 10 of the Rules of 2021, the

1 2011 CRI. L. J. 1534

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Competent Authority is absolutely unjustified in rejecting the application of the petitioner for grant of permanent parole.

9. Accordingly, the writ petition (parole) is allowed. The order dated 16.06.2026 passed by the competent authority is quashed and set aside. The Jail Authorities are directed to release the petitioner-**Anil S/o Shri Hetram** on permanent parole, subject to furnishing his personal bond of Rs.50,000/- before the concerned District Magistrate with the stipulation that in case during permanent parole, the petitioner commits any undesirable activity, he can be called upon to serve his remaining sentence and at the same time he shall also maintain peace and tranquillity during the parole period and will abide by any other condition imposed by the authority.

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

SANJAY KUMAWAT/RAJAT/DA-45

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