RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 12101/2026
CNR: RJHC020001482026 | URN: CW / 12U / 2026

Ashok S/o Nibhori Lal

----Petitioner

Versus

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

State Of Rajasthan

----Respondent

Connected With

D.B. Civil Writ Petition No. 12102/2026
CNR: RJHC020951782025 | URN: CW / 4650U / 2026

Balbharam S/o Shri Ghasiram

----Petitioner

Versus

State Of Rajasthan

----Respondent

D.B. Civil Writ Petition No. 12103/2026
CNR: RJHC020952642025 | URN: CW / 4651U / 2026

Balbharam S/o Shri Ghasiram

----Petitioner

Versus

State Of Rajasthan

----Respondent

D.B. Civil Writ Petition No. 12104/2026
CNR: RJHC020052132026 | URN: CW / 339U / 2026

Vijendra Kumar Alias Bablu Son Shri Lohdiram

----Petitioner

Versus

State Of Rajasthan

----Respondent

D.B. Civil Writ Petition No. 12106/2026
CNR: RJHC020056872026 | URN: CW / 347U / 2026

Sher Singh Meena Alias Sheru S/o Shri Rohitash Meena

----Petitioner

Versus

State Of Rajasthan

----Respondent

D.B. Civil Writ Petition No. 12107/2026
CNR: RJHC020056792026 | URN: CW / 361U / 2026

Satish @ Leelu S/o Shri Satyapal Yadav

----Petitioner

Versus

(Uploaded on 29/10/2026 at 06:24:35 PM)
(Downloaded on 03/11/2026 at 10:20:27 AM)

State Of Rajasthan

----Respondent

D.B. Civil Writ Petition No. 12108/2026
CNR: RJHC020056992026 | URN: CW / 363U / 2026

Yuvraj Alias Sonu S/o Shri Ranjeet Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent

D.B. Civil Writ Petition No. 12109/2026
CNR: RJHC020060812026 | URN: CW / 380U / 2026

Mahesh Kumar Son Of Mangalchand

----Petitioner

Versus

State Of Rajasthan

----Respondent

D.B. Civil Writ Petition No. 12111/2026
CNR: RJHC020074722026 | URN: CW / 477U / 2026

Mastram @ Sallu S/o Shri Prabhulal Meena

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. Anshuman Saxena with Mr. Arvind Kumar Arora Mr. Dheeraj Singhal Mr. TC Swami Mr. Vishnu Prajapati Mr. Govind Prasad Rawat
For Respondent(s)	:	Mr. Rajendra Prasad, AG with Ms. Harshita Thakral Mr. Rajesh Choudhary, GA-cum-AAG with Ms. Neha Goyal & Mr. Arnav Agrawal

---

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

Order

29/10/2026

1. In view of the fact that the instant matters revolve around identical issues, and have been filed seeking identical reliefs, the

---

(Uploaded on 29/10/2026 at 06:24:35 PM)
(Downloaded on 03/11/2026 at 10:20:27 AM)

RAJASTHAN HIGH COURT
सत्यमेव जयते

same are connected and are thus referred by this common judgment, which shall be applicable on *mutatis mutandis* basis, on all the connected files. For the sake of handiness, and factual reference, **D.B. Civil Writ No. 1210/2026 [DB Criminal Writ Petition (Parole) No. 7/2026]** is being taken up as the lead case. The lead petition has been preferred by the accused-petitioner, who is presently confined in the Open Air Camp, Karauli, seeking grant of parole under the provisions of the Rajasthan Prisoners (Release on Parole) Rules, 1958 (hereinafter referred to as "the Rules of 1958"), while assailing the impugned order dated 08.10.2025, whereby the State Committee rejected his case for release on permanent parole.

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

2. Learned counsel for the parties have been heard, and the relevant Rules have been perused.

3. Upon consideration of the matter, it is noted that, vide order dated 19.02.2026, it was observed that the petitioner had been denied permanent parole by invoking Rule 14(d) of the Rajasthan Prisoners (Release on Parole) Rules, 1958. However, it was also noticed that, in certain cases, the State had extended the benefit of permanent parole to prisoners despite the applicability of Rule 14(d). Further, vide order dated 17.02.2026, the Bar was invited to address the Court on the question as to which Rules would govern the consideration of parole cases of prisoners convicted prior to the advent of the Rajasthan Prisoners (Release on Parole) Rules, 2021, namely, whether the Rules of 2021 or the Rules of 1958 would apply.

(Uploaded on 29/10/2026 at 06:24:35 PM)
(Downloaded on 03/11/2026 at 10:20:27 AM)

RAJASTHAN HIGH COURT
सत्यमेव जयते

4. In support of the plea for grant of parole, learned counsel for the petitioners placed reliance upon the judgments of the Hon'ble Supreme Court in **Maru Ram v. Union of India, (1981) 1 SCC 107; Hitesh v. State of Gujarat, (2024) 5 SCC 623; and State of Haryana v. Jagdish, (2010) 4 SCC 216**. Per contra, learned Advocate General placed reliance upon the judgments in **Poonam Lata v. M.L. Wadhawan and Others, (1987) 3 SCC 347; Sunil Fulchand Shah v. Union of India, AIR 2000 SC 2023; State of Haryana v. Nauratta Singh, (2000) 3 SCC 514; and Dadu v. State of Maharashtra, (2000) 8 SCC 437.** In addition to the aforesaid submissions, learned Advocate General contended that neither the Code of Criminal Procedure, 1973 (Cr.P.C.), nor the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), contains any provision specifically providing for the grant of parole.

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

5. In view of the aforesaid submissions and the legal questions arising for consideration, this Court deems it appropriate to refer the matter to a Larger Bench for an authoritative determination of the issues involved. The following questions, inter alia, arise for consideration:

(a) Whether, for the purpose of grant of parole, the Rules prevailing on the date of conviction of the prisoner would apply i.e. the Rajasthan Prisoners (Release on Parole) Rules, 1958, or whether the Rules in force at the time of consideration of the parole application i.e. the Rajasthan Prisoners (Release on Parole) Rules, 2021 would govern the matter?

(Uploaded on 29/10/2026 at 06:24:35 PM)
(Downloaded on 03/11/2026 at 10:20:27 AM)

(b) Whether the grant of parole amounts to a temporary suspension of sentence, as contemplated under Section 401 of the Code of Criminal Procedure, 1973 (Section 432 of the BNSS)?

(c) What would be the effect of the repeal of the Code of Criminal Procedure, 1973, and its replacement by the Bharatiya Nagarik Suraksha Sanhita, 2023, on the applicability and operation of the Rajasthan Prisoners (Release on Parole) Rules, 1958?

6. Registry is directed to proceed accordingly.

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

35-43/Preeti Asopa

(Uploaded on 29/10/2026 at 06:24:35 PM)
(Downloaded on 03/11/2026 at 10:20:27 AM)