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

D.B. Criminal Writ Petition No. 366/2021

Bhawani Singh S/o Sh. Mahaveer Singh, Aged About 29 Years, At Present Lodged In Open Air Camp, Sanganer Jaipur Through His Brother Sh. Kishor Singh S/o Sh. Mahaveer Singh, B/c Rajput, Aged About 28, R/o Jandwa, P.s. Ratangarh, Dist. Churu.

----Petitioner

Versus

1. State, Home Dept. Jaipur.
2. The District Collector, Churu.
3. The Superintendent, Central Jail, Jaipur.

----Respondents



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For Petitioner(s) : Mr. Kaluram Bhati  
For Respondent(s) : Mr. Farzand Ali, G.A.-cum-A.A.G., with  
Mr. Abhishek Purohit

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**HON'BLE MR. JUSTICE SANDEEP MEHTA  
HON'BLE MR. JUSTICE MANOJ KUMAR GARG**

**Order**

**26/07/2021**

The instant parole writ petition has been filed by the convict-petitioner Bhawani Singh S/o Mahaveer Singh assailing the adverse recommendations dated 23.04.2021 drawn by the District Parole Advisory Committee, Churu in its meeting dated 20.04.2021, whereby the application for second parole filed by the petitioner was dismissed. It is relevant to mention here that the fact regarding the convict petitioner having availed first parole of 20 days satisfactorily is admitted. It is also admitted that the petitioner is in custody for the last more than 9 years. It is relevant to mention here that the District Parole Advisory Committee, Churu rejected the parole application of the convict-



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petitioner on the premise that 3 accused, namely, Bhawani Singh, the petitioner herein, Vijay Singh @ Birju Singh and Kaptan Singh, all of whom are residents of the same village, had been convicted in the same case. If all 3 were released on parole simultaneously, it could give wrong message in the society. Citing this reason, the District Parole Advisory Committee rejected the parole application of the convict-petitioner while granting parole to the other two.

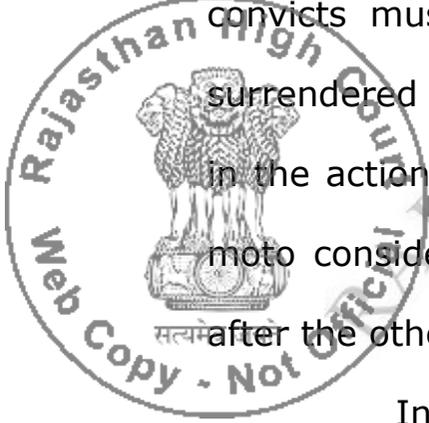
By order dated 15.07.2021, we had directed Mr. Farzand Ali, learned G.A.-cum-A.A.G., to submit explanation of the District Magistrate, Churu regarding rejection of the second parole application of the convict-petitioner keeping in view of the directions given by this court in the case of **Smt. Indra Kanwar Vs. State of Rajasthan & Ors. [D.B. Criminal Writ No.17/2019 decided on 12.02.2019]**. In furtherance thereof, the requisite explanation has been filed. All that is mentioned in this explanation is that because 3 accused persons hailing from the same village were convicts in this case, a conscious decision was taken not to release them simultaneously and two co-convicts, namely, Vijay Singh and Kaptan Singh, were granted parole.

Suffice it to say that the reason mentioned in this explanation and the adverse parole recommendations is absolutely perfunctory and unacceptable. Even if for a moment, it is believed that there is some rationality behind this reason, then the District Parole Advisory Committee should not have outrightly rejected the parole application of the convict-petitioner and it could have been directed that the convict-petitioner would be released on parole after the 2 co-convicts availed parole facility and surrendered back in the prison. In the alternative, the parole application of the



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convict-petitioner could be kept pending till such date. By rejecting the parole application in such a mechanical fashion, the parole advisory committee has significantly delayed the right of the petitioner to be considered for release on parole. More than 3 months have passed since the parole application of the convict-petitioner was rejected. It is expected that by this time, the 2 co-convicts must have availed the parole facility and would have surrendered back in the prison. If at all there was any justification in the actions of the parole committee, then they could have suo moto considered granting second parole to the convict-petitioner after the other two surrendered.



In this regard, it would be fruitful to reproduce the circular dated 20.02.2019 issued by the State Government governing a situation, where a convict has availed a parole facility satisfactorily and in such a situation what should be the approach of the parole committees while considering the subsequent parole:-

"राज्य के समस्त कारागृहों में निरुद्ध दण्डित बंदियों को दी राजस्थान प्रिजनर्स रिलीज ऑन पैरोल नियम, 1958 के अनुसार पैरोल प्रदान किया जाता है। प्रदेश की जेलों में निरुद्ध बंदियों के पैरोल प्रार्थना पत्रों के निस्तारण में तथ्यों एवं परिस्थितियों की पूर्ण विवेचन के बगैर ही पैरोल प्रार्थना-पत्रों के निस्तारण में अपनाये जा रहे यांत्रिक तरीके को लेकर माननीय राजस्थान उच्च न्यायालय ने विभिन्न याचिकाओं के निस्तारण के दौरान नाराजगी जाहिर की है।

पूर्व में भी इस विभाग के पत्रांक प.7(9)गृह-12/कारा/2015 पार्ट जयपुर, दिनांक 16.06.2016 के द्वारा परामर्शी जारी की गई है, जिसकी प्रति साथ संलग्न है।

अतः पुनः यह निर्देशित किया जाता है कि बंदियों के द्वितीय एवं आगे के नियमित/स्थाई पैरोल प्रकरणों में पुलिस अधीक्षक से पुनः रिपोर्ट नहीं ली जावे। ऐसे प्रकरणों में केवल जिला परिवीक्षा अधिकारी एवं संबंधित जेल अधीक्षक की ही रिपोर्ट ली जावे तथा बंदी के पूर्व पैरोल पर रहे संतोषजनक आचरण, बंदी द्वारा पैरोल अवधि में पैरोल शर्तों की पूर्णतः पालना, बंदी का नियत तिथि/समय पर वापस कारागृह में दाखिल होना तथा जेल अवधि में आचरण पर समग्रता में विचार करते हुए पैरोल प्रकरणों पर विचार किया जावे।



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अपवादस्वरूप मामलों में, यदि पैरोल देना उचित नहीं समझा जावे, तो ऐसी स्थिति में यह आवश्यक होगा कि पैरोल अस्वीकृत करने के कारणों को लिपिबद्ध करते हुए स्वतः स्पष्ट आदेश (Self Speaking Order) पारित करते हुए पैरोल अस्वीकृत की जावे।

उपरोक्तानुसार कार्यवाही/पालना सुनिश्चित कराये जाने का श्रम करे।”

In view of the discussion made herein above, we hereby strike down the adverse recommendations dated 23.04.2021 drawn by the District Parole Advisory Committee, Churu in its meeting dated 20.04.2021 qua the convict petitioner and it is ordered that the petitioner **Bhawani Singh S/o Mahaveer Singh** shall be released on second parole of thirty days upon his furnishing a personal bond in the sum of Rs.80,000/- with two sound and solvent sureties of Rs.40,000/- each to the satisfaction of Superintendent, Central Jail concerned on the usual terms and conditions. The Superintendent, Central Jail concerned shall be at liberty to impose other adequate and reasonable conditions to ensure return of the convict to the custody after availing parole. The term of parole shall be computed from the date of actual release of the petitioner.

(**MANOJ KUMAR GARG**),J

(**SANDEEP MEHTA**),J

22-Pramod/-

सत्यमेव जयते