



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

S.B. Criminal Writ Petition No. 1343/2025

Bhairulal @ Prakash @ Pakka, Son Of Badrilal R/o Ranavato Ki Sadri, P.s. Bhopalsagar Dist. Chittorgarh (Lodged In Central Jail, Udaipur)

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary
2. Collector, Chittorgarh
3. Superintendent, Central Jail, Udaipur

-----Respondents

For Petitioner(s) : By Post
Ms. Divya Bapna
For Respondent(s) : Mr. N.S. Champawat. Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

29/01/2026

REPORTABLE

1. By way of the present criminal writ petition, the petitioner has invoked the extraordinary jurisdiction of this Court seeking grant of first parole, asserting that in view of the substantial period of incarceration already undergone by him, he has duly attained statutory eligibility for consideration of parole in accordance with the relevant rules governing temporary release of prisoners.

2. Upon receipt of the petition, and considering that the petitioner is incarcerated and unable to effectively prosecute the matter on his own, this Court, in furtherance of the principles of fair trial and access to justice, deemed it appropriate to appoint



Ms. Divya Bapna, learned Advocate, as Amicus Curiae to espouse the cause of the petitioner and assist the Court. The learned Amicus Curiae has ably represented the petitioner and advanced submissions on his behalf.

3. I have heard the learned Amicus Curiae as well as Dy. Govt. Advocate and gone through the material available on record.

4. Perusal of the material available on record reflects that during the process of consideration, the Superintendent of Police, Chittorgarh, submitted a report expressing apprehension on the ground that the victim's family is not agreeable to the petitioner's release on parole. This Court is of the considered opinion that mere dissent or non-consent on the part of the victim's family, per se, cannot operate as a legal embargo so as to eclipse or nullify the legitimate and legally protected right of a convict to be considered for parole once the statutory criteria stand fulfilled. Any perceived risk relating to breach of peace or disturbance of public tranquillity squarely falls within the statutory domain and administrative responsibility of the police authorities, who are duty-bound to ensure maintenance of law and order during the parole period. Such apprehension, therefore, cannot constitute the sole or determinative ground for denial of parole.

5. The Social Justice & Empowerment Department, Chittorgarh, upon conducting an independent and objective inquiry, submitted its report indicating that the petitioner hails from an economically impoverished and socially vulnerable background. The Department, while acknowledging these circumstances,





recommended that the petitioner may be considered for release on first parole for a period of 20 days, albeit with a stipulation that he reside at a place other than his native residence.

6. The report submitted by the Superintendent, Central Jail, Udaipur, merely records that the petitioner's conduct was "not found satisfactory." Significantly, the report fails to disclose any specific instance of misconduct, indiscipline, adverse behaviour, or infraction of jail rules attributable to the petitioner. It has neither been alleged nor established that the petitioner's behaviour was objectionable or that his attitude posed any tangible concern warranting denial of parole. A vague, cryptic, and non-speaking observation that the conduct was "not satisfactory," bereft of supporting material or articulated reasons, cannot be construed as a legally sustainable ground for rejection of a parole application.

6.1 Object and Underlying Principles of Parole – with Rebuttal to the Opponent's Objection

Parole is not a matter of indulgence or charity; it is a well-recognised correctional and rehabilitative measure forming an integral part of the criminal justice system. Its object is to balance societal interest with the individual liberty of a convict, by allowing temporary release from incarceration under regulated conditions, without suspending the sentence itself. Parole proceeds on the humane and reformatory philosophy that punishment is not merely retributive but is intended to reform and reintegrate the offender into the social mainstream.





The underlying principles governing parole are rooted in reformation, rehabilitation, and gradual social reintegration of a prisoner. Parole affords the convict an opportunity to maintain familial and social ties, attend to emergent personal circumstances, and prepare himself psychologically and socially for eventual release. It recognises that prolonged and continuous incarceration, without intermittent exposure to normal social life, may harden the prisoner rather than reform him. Thus, parole acts as a bridge between prison life and free society, reinforcing responsible conduct and self-discipline.

Another fundamental principle of parole is that it is granted subject to supervision and conditions imposed by the State. The release on parole does not absolve the State of its authority over the prisoner; rather, the prisoner remains under legal custody and control, albeit outside the prison walls. Compliance with conditions, good behaviour, and absence of misuse are implicit obligations upon the parolee.

7. With regard to the objection raised by the opponent, namely, that if the petitioner is released on parole and permitted to stay at his own residence, there is an apprehension of disturbance, disputes, or breach of law and order, the same is speculative and lacks any concrete or substantiated basis. Mere apprehension, without specific material or past conduct demonstrating a real and imminent threat, cannot override the statutory and constitutional objectives of parole.





7.1. Maintenance of law and order is a sovereign and statutory obligation of the State authorities. It cannot be shifted onto the shoulders of a prisoner by curtailing his legitimate parole rights. If any concern exists regarding law and order, the appropriate remedy lies in imposing reasonable conditions, enhanced supervision, or police monitoring, rather than denying the parolee the basic benefit of residing at his home.

7.2. The insistence that the petitioner must stay away from his own residence during the parole period is not only unreasonable but strikes at the very foundation of parole jurisprudence. The home environment, family support, and familiar social surroundings are central to the reformatory purpose of parole. Compelling the petitioner to reside at an alien or unfamiliar place would frustrate the object of parole and reduce it to a mere symbolic release, devoid of its rehabilitative content. Parole is predominantly aimed at humanising the penal system and restoring the prisoner's sense of belonging to society. Family interaction and residence at one's home play a crucial role in emotional stability, moral reorientation, and social responsibility. Denial of the right to stay at home, in the absence of compelling and demonstrable reasons, would amount to an arbitrary restriction, contrary to the guiding principles of reformation and social reintegration. Therefore, the plea of the opponent that the petitioner should be directed to stay away from his home during the parole period is absurd, legally untenable, and contrary to the very object and spirit of parole. Such a condition would defeat the reformatory aim of parole and convert a benevolent correctional





measure into a punitive restriction, which is neither contemplated by law nor justified on the facts.

7.3. At this stage, it is apposite to reiterate that the fundamental object and animating purpose of parole is not merely the grant of transient liberty, but the advancement of the reformatory and rehabilitative ethos of criminal jurisprudence. Parole operates as a vital corrective instrument, enabling a convict to re-establish familial, social, and emotional bonds, to engage in introspection regarding past conduct, and to cultivate a renewed commitment towards lawful and responsible living. The presence of family support and familiar surroundings plays a pivotal role in actualizing these objectives.

7.4. In view of the aforesaid facts, circumstances, and reports available on record, this Court is of the considered opinion that the petitioner deserves to be afforded an opportunity to avail the benefit of first parole, in furtherance of the principles of reformation, rehabilitation, and restorative justice.

8. Accordingly, the writ petition is allowed. It is directed that the convict-petitioner shall be released on first parole for a period of twenty (20) days, in accordance with law, upon his furnishing a personal bond of ₹50,000/- with two sureties of ₹25,000/- each, to the satisfaction of the Superintendent, Central Jail, Udaipur, and subject to the usual terms and conditions. The Superintendent shall be at liberty to impose such additional reasonable and adequate conditions as may be necessary to ensure maintenance of law and order and to secure the petitioner's return to custody





upon expiry of the parole period. The parole period shall be reckoned from the date of the petitioner's actual release.

9. The Amicus Curiae, Ms. Divya Bapna, who has assisted the Court in the present matter, shall be entitled to remuneration, which shall be paid by the Rajasthan State Legal Aid Services Authority in accordance with the applicable norms.

(FARJAND ALI),J

132-Mamta/-