



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

D.B. Criminal Writ Petition No. 897/2026

Bhuriya Alias Jagdish S/o Shri Amarnath Alias Laxman Nath,  
Aged About 44 Years, R/o Bhandra Heda, P.s. Kethoon, District  
Kota At Present In Special Central Jail For Detention,  
Shyalawaas, Dausa.

-----Petitioner

Versus

1. State Of Rajasthan, Department Of Home Affairs, Jaipur.
2. The District Parole Advisory Committee, Through District Magistrate, Bhilwara.
3. The Superintendent, Central Jail, Ajmer.
4. The Superintendent, District Jail, Bhilwara.

-----Respondents

For Petitioner(s) : Mr. Chirag Khatri

For Respondent(s) : Mr. Deepak Choudhary, AAG

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR  
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

**Order**

**13/04/2026**

Heard learned counsel for the parties.

2. The present petition has been filed by the petitioner for releasing him on first parole of 20 days.
3. The petitioner is convicted for the offence under Sections 302 & 392 IPC vide judgment dated 06.06.2013 passed by the Additional District & Sessions Judge, Bhilwara. He is undergoing sentence for life imprisonment. The petitioner's case was considered by the District Parole Committee in its meeting held on 16.12.2025. However, the same was rejected. Hence, the present writ petition has been filed.



4. Learned counsel for the convict-petitioner submits that the petitioner is undergoing sentence at Central Jail, Dausa. Learned counsel submits that the petitioner has completed more than 17 years of custody alongwith remission and therefore, he is entitled for grant of first parole as per rules of the Rajasthan Prisoners Release on Parole Rules, 1958 (for short, 'Rules of 1958'). Learned counsel submits that the petitioner does not incur any ineligibility as per Rule 14 of Rules of 1958 and therefore, the petitioner is entitled to be released on first parole. He therefore, prays that the present petition may be allowed and the petitioner may be released on first parole for 20 days.

4. To buttress his contentions, learned counsel for the petitioner has relied upon the following judgments:

1. **2005 Supreme (Raj) 2432; Budhi vs. State of Rajasthan & Anr.** decided on 25.10.2005.
2. **2002 Supreme (Raj) 5; Mohan Lal vs. State of Rajasthan** decided on 01.04.2002.
3. **D.B. Criminal Writ Petition No.3249/2025; Harpal Singh vs. State of Rajasthan & Ors.** decided on 09.12.2025.
4. **D.B. Criminal Writ Petition No.366/2018; Smt. Pushpa Devi vs. State of Rajasthan & Ors.** decided on 01.11.2018.

5. Per contra, learned Additional Advocate General submits that although the petitioner has undergone the sentence for more than 17 years but he is not entitled for release on first parole on account of the fact that the petitioner absconded from Open Air Camp from 23.08.2019 till 19.01.2020 and therefore, he is ineligible for grant of parole as per Rule 14 of the Rules of 1958.





The AAG therefore, submits that the committee has rightly rejected case of the petitioner by its order dated 15.12.2025.

6. We have considered the submissions made at Bar and have gone through the relevant record of the case.

7. The undisputed fact of the present petition discloses that the petitioner after conviction has suffered a sentence of more than 17 years. It is also true that the petitioner absconded from Open Air Camp from 23.08.2019 till 19.01.2020. The case of the petitioner is required to be considered within the parameters of Rules of 1958 and as per Rule 14, the case of a convict is ineligible if the prisoner has absconded from the jail or police custody. Since the situation contemplated under Rule 14 is qualified by the word "ordinarily," all facts and circumstances arising in a given case must be examined from that perspective. It is further noted that the mandatory condition under Rule 14 is qualified by the word "unless," which signifies that if a person has not undergone 1/4<sup>th</sup> of the total sentence, he shall not be eligible for consideration for release on parole. Therefore, in the considered opinion of this Court, two very important words in Rule 14 are "ordinarily" which is used in the first part of Rule 14 and "unless" which is used in second part of Rule 14 clearly denote that the first part is required to be considered in the ordinary circumstances of the case and second part is required to be considered in the mandatory form therefore, if a convict has not undergone 1/4<sup>th</sup> of his total sentence, will not be eligible and entitled for consideration of his release on parole, whereas if certain ineligibility is mentioned in first part of the Rule 14 are incurred, the Courts will be free to consider the facts and circumstances in the appropriate case.





8. In the considered opinion of this Court, although the petitioner has absconded from Open Air Camp from 23.08.2019 to 19.01.2020 but, thereafter, he has suffered incarceration for almost six years now. Therefore, we are of the view that the case of the petitioner is required to be considered favourably. More particularly, when he has undergone a sentence of more than 17 years.

9. In the view of the discussions made above, the present petition merits acceptance and the same is allowed. The respondents are directed to release the convict-petitioner Bhuriya @ Jagdish S/o Shri Amarnath @ Laxman Nath on first parole of 20 days provided he furnishes a personal bond of Rs.50,000/- along with two surety bonds of Rs.25,000/- each to the satisfaction of the Superintendent, Central Jail Dausa on usual terms and conditions. The Superintendent, Central Jail Dausa shall be at liberty to impose other adequate and reasonable conditions to ensure return of the convict-petitioner to the custody after availing the parole.

**(CHANDRA SHEKHAR SHARMA),J (VINIT KUMAR MATHUR),J**

21-T.Singh/-

