

(2011) 08 RAJ CK 0098

In the Rajasthan High Court

Case No : Civil Writ Petition (Parole) No. 8466 of 2011

Harsahay Bairwa

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 11-08-2011

Acts Referred:

Citation : (2011) 08 RAJ CK 0098

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Narendra Kumar Jain, J.—Heard learned counsel for the parties.

2. Petitioner has preferred this parole writ petition for grant of first parole of 20 days under the provisions of Rajasthan Prisoners Release on Parole Rules, 1958 (for short "the Rules of 1958").

3. A notice to show cause was given to Respondents and in response thereto, they have filed reply to parole writ petition.

4. I have considered the submissions of the learned Counsel for the parties.

5. There is No. dispute between the parties that Petitioner is eligible to be enlarged on parole as he has already completed 1/4th of his sentence and his conduct in jail custody is satisfactory.

6. From the nominal roll of Petitioner Annexure-R/1, annexed with the reply, it is clear that conduct of Petitioner during jail custody is satisfactory. From Annexure-R/3, it is clear that District Probation and Social Welfare Officer has also recommended the case of Petitioner for grant of parole. Application of Petitioner was rejected by the District Parole Advisory Committee on the basis of adverse report of concerned Superintendent of Police, but the learned Counsel for Respondents is unable to substantiate the adverse report of Superintendent of Police on the basis of any evidence against the Petitioner.

7. In these circumstances, I am inclined to allow this writ petition and the same is hereby allowed and it is directed that convict-Petitioner Harsahay Bairwa S/o Bhanwar Lal Bairwa be released on first parole of 20 days on his furnishing a personal bond in the sum of Rs. 25,000/-(Rs. Twenty five thousand) with one surety in the like amount to the satisfaction of the concerned Jail Superintendent. It will be open for the concerned Jail Superintendent to put any other condition, as per rules, to secure the presence of Petitioner.

8. A copy of this order be sent for information and necessary action to the convict-Petitioner as well as concerned Jail Superintendent.