
(2021) 04 RAJ CK 0005

In the Rajasthan High Court

Case No : Criminal Writ Petition No. 138 Of 2021

Kundan Singh

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 30-04-2021

Acts Referred:

Citation : (2021) 04 RAJ CK 0005

Hon'ble Judges : Sandeep Mehta, J;Devendra Kachhawaha, J

Bench : Division Bench

Advocate : Abhishek Purohit, Farzand Ali

Final Decision : Allowed

Judgement

The instant parole writ petition has been filed on behalf of the convict-petitioner Kundan Singh S/o Hadwant Singh seeking a direction for his release

on first parole of twenty days.

The convict petitioner filed an application for releasing him on first parole of twenty days, which has been rejected by the District Parole Advisory

Committee, Jodhpur vide recommendations dated 27.01.2021 drawn in its meeting dated 19.01.2021 on the basis of the adverse recommendation of

the Superintendent of Police, Jaisalmer, who in his report has mentioned that the convict petitioner has been convicted and sentenced for life

imprisonment for the murder of his own mother, he is a miscreant and is of criminal nature and if he is released on parole, there will be unrest in the

society and there is also a possibility of breach of peace.

We find that the reasons assigned for denying parole to the convict-petitioner are absolutely mechanical, vague and extraneous and are not based on

justifiable grounds so as to deny parole to the convict petitioner. We further feel

that the apprehension of breach of law and order situation, in case of release of the petitioner on parole, can very well be taken care of by requiring the convict to submit sound and solvent sureties and imposing appropriate conditions. By merely citing this reason, the State Authorities cannot shirk their responsibilities of maintaining law and order situation. It is also worthwhile to note here that the Superintendent, Central Jail, Jodhpur and the District Probation and Social Welfare Officer, Social Justice and Empowerment Department, Jodhpur have recommended for the grant of first parole to the convict-petitioner.

In this background, we are inclined to accept the instant parole writ petition, which is hereby allowed. The adverse recommendations dated 27.01.2021 drawn by the District Parole Advisory Committee, Jodhpur in its meeting dated 19.01.2021 are quashed and struck down qua the convict petitioner and it is ordered that the convict Kundan Singh S/o Hadwant Singh shall be released on first parole of twenty 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, Jodhpur on the usual terms and conditions. The Superintendent, Central Jail, Jodhpur shall be at liberty to impose other adequate and reasonable conditions to ensure return of the convict to the custody after availing the parole. The term of parole shall be computed from the date of his actual release.