
(2009) 10 RAJ CK 0013

Rajasthan High Court (Jaipur Bench)

Case No: None

Heera Lal

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision: Oct. 27, 2009

Citation: (2009) 3 SLR 375 : (2010) 1 WLN 206

Hon'ble Judges: Kishan Swaroop Chaudhari, J; Dalip Singh, J

Bench: Division Bench

Final Decision: Allowed

Judgement

K.S. Chaudhari, J.

Heard learned Deputy Government Counsel for the State.

2. This is a letter petition received from the Central Jail, Kota sent by the petitioner-prisoner Heera Lal for releasing him on first regular parole of 20 days under Rule 9 of the Rules of 1958.

3. We have perused the order of Advisory Committee in respect of the present petitioner passed in meeting held on 17.06.2009 whereby the case of the petitioner was considered for the grant of first regular parole of 20 days and rejected.

4. The Social Welfare Officer has recommended the case of the petitioner but the application of the petitioner for being released on first regular parole has been rejected on the sole ground of adverse report of Superintendent of Police, Jhalawar. From the rejection order, details therein and the other documents submitted by the learned Deputy Government Counsel, we do not find any specific reasons, assigned by the Superintendent of Police, Jhalawar for rejection of the application, all that has been stated is that the petitioner is a history-sheeter. From the documents placed on record before us, we do not find any details of any cases pertaining to the petitioner, so as to come to the conclusion that the petitioner has a past history-sheet with regard to the criminal activities. From the perusal of the nominal roll, we find that the conduct of the

prisoner-petitioner in the jail has been satisfactory.

5. Therefore, in the facts and circumstances, keeping in view the object behind the grant of parole to the prisoners, we consider it a fit case to grant the benefit of first regular parole to the prisoner-petitioner for 20 days.

6. Consequently, we allow this petition and direct the Superintendent, Central Jail, Kota to immediately release the petitioner viz., Heeralal son of Kishanlal, (presently confined in Central Jail, Kota) on first regular parole for a period of 20 days, which shall commence from the date of his release, upon his furnishing a surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) along with two sureties of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each to the satisfaction of the Superintendent, Central Jail, Kota on usual terms and conditions, as may be determined by him. The Superintendent, Central Jail, Kota shall also fix a date for the surrender of the petitioner before the jail authorities.

7. Consequently, the writ petition stands allowed with the aforesaid directions.