

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

JAIPUR BENCH, JAIPUR

O R D E R

*D.B. Civil Writ Petition (Parole) No.9307 of 2009.*

*Tanwar Singh son of Shri Man Singh*

VERSUS

*State of Rajasthan & Others*

*Date of Order        ::::        30/09/2009*

**Hon'ble Mr. Justice Dalip Singh**

**Hon'ble Mr. Justice K.S. Chaudhari**

*Mr. Anshuman Saxena, Counsel for the Petitioner.*

*Mrs.Rekha Madnani, Deputy Government Counsel for State.*

**Per Court :-**

We have heard learned counsel for the petitioner as well as learned Deputy Government Counsel for the State and also perused the reply.

This writ petition has been filed by the convict-petitioner through his brother-in-law Shambhu Singh praying therein for seeking third regular parole of the petitioner for 40-days.

The petitioner submitted an application before the concerned authorities. However, the same has been rejected by the Advisory Committee vide order dated 04.07.2009 (Annexure-1) on record.

A look at the order (Annexure-1) goes to show that the Social Welfare Officer had recommended the grant of third regular parole to the prisoner-petitioner. However, the third regular parole was refused on account of the fact that one of the co-accused i.e. Kalu Lal, who had been granted regular first parole is absconding and has not surrendered before the jail Superintendent.

It is not disputed that despite the co-accused Kalu Lal having absconded after the regular first parole was granted to him, the petitioner was granted the benefit of first and second regular parole and has returned after surrendering himself before the jail authorities. There has been nothing adverse against the petitioner reported while he was on parole. Therefore, in the facts and circumstances, we deem it just and proper to grant the benefit of third regular parole to the accused-petitioner, who has been denied third regular parole on the above ground and due to the report of the S.P. in which nothing specific has been brought out.

Keeping in view the principles laid down by this Court in the case of Pappu Khan Vs. State of Rajasthan and Others, reported in W.L.C. (Raj.) 2006 (1) Page 31 that parole should not be denied on mere *ipse-dixit* report of the Police without any foundation for refusal of the same, we

deem it just and proper to grant the benefit of the third regular parole to the petitioner for 40-days.

Be that as it may, in the facts and circumstance of this case since no definite reasons have been given by the Superintendent of Police in his report, we deem it just and proper to grant the benefit of the third regular parole to the petitioner for 40-days.

Consequently, we allow this writ petition, directing the Superintendent, Central Jail, Kota to immediately release the petitioner viz., Tanwar Singh son of Shri Man Singh, by caste Dhakad, resident of Chhodi, Tehsil Pidawa, Police Station Sunel, District Jhalawar (presently confined in Central Jail, Kota) on third regular parole for a period of 40-days, which shall commence from the date of his release, upon furnishing his surety for a 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 determined by him. The Superintendent, Central Jail, Kota shall also fix a date for his surrender before the jail authorities.

The writ petition stands allowed with the aforesaid directions.

**(K.S. Chaudhari) J.**

**(Dalip Singh) J.**

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