

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

D.B. Criminal Writ Petition No. 602/2023

Ranjeet Saini S/o Shri Gyarsi Lal, Aged About 27 Years, R/o Village Dhani Chauhano Wali, Tan Purawala, Police Station Virat Nagar, District Jaipur (Raj.) ( At Present In Special Central Jail Shyalawas Dausa) (Raj.) Through His Elder Brother Hanuman Saini S/o Shri Gyarsi Lal Aged About 40 Years, R/o Village Dhani Chauhano Wali, Tan Purawala, Police Station Virat Nagar, District Jaipur (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Home, Secretariat, Jaipur.
2. The District Parole Advisory Committee, Through Its Chairman, District Magistrate, Jaipur.
3. Superintendent Special Central Jail, Shyalawas, Dausa.

----Respondents

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For Petitioner(s) : Mr. Vishram Prajapati, Adv.

For Respondent(s) : Mr. Javed Choudhary, AGA

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**HON'BLE MR. JUSTICE PANKAJ BHANDARI**

**HON'BLE MR. JUSTICE BHUWAN GOYAL**

**Order**

**31/03/2023**

1. Issue notice.
2. Learned AGA accepts notice on behalf of the State.
3. Petitioner through his brother has preferred this Criminal Writ Petition (Parole) seeking first regular parole for a period of twenty days.
4. We have perused the file.
5. From perusal of the order dated 05.08.2021 passed by District Parole Advisory Committee, Jaipur, it is apparent that

application for first regular parole was rejected on the ground that petitioner is not entitled under the Rajasthan Prisoner Release on Parole Rules, 2021. Petitioner herein was convicted and sentenced vide judgment and order dated 16.03.2018.

6. In view of the judgment of Apex Court in **Hitesh @ Bavko Shivshankar Dave vs State of Gujarat, Criminal Writ Petition No.467/2022**, wherein it was held that the Rules as prevalent at the time of conviction has to be applied. Hence, we are of the considered view that petitioner's case for grant of parole has to be considered in accordance with Rajasthan Prisoners Release on Parole Rules, 1958 and not with Rajasthan Prisoners Release on Parole Rules, 2021.

7. In view of the above, we deem it proper to dispose of the Criminal Writ Petition(Parole).

8. Criminal Writ Petition(Parole) is accordingly, disposed of. The impugned order dated 05.08.2021 therefore, deserves to be and is accordingly quashed and set aside qua the petitioner. We direct the Parole Advisory Committee to reconsider the case of the petitioner in accordance with Rajasthan Prisoners Release on Parole Rules, 1958 within a period of four weeks from the date of filing of the application.

(BHUVAN GOYAL),J

(PANKAJ BHANDARI),J

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