

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

S.B. Criminal Writ Petition No. 1172/2023

Imran Khan S/o Israil, Aged About 29 Years, R/o Near Jama Masjid, Kumharo Ka Mohalla, Police Station Kotwali Dausa, District Dausa, (Raj.) (At Present In Central Jail, Jaipur), Through His Younger Brother Shahrukh Khan S/o Israil, Aged About 26 Years, R/o Near Jama Masjid, Kumharo Ka Mohalla, Police Station Kotwali Dausa, District Dausa, (Raj.) 303303

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary Home, Secretariat, Jaipur.
2. The District Magistrate, Jaipur (Raj.)
3. Superintendent Central Jail, Jaipur.

----Respondents

For Petitioner(s) : Mr. Vishram Prajapati

For Respondent(s) : Mr. Chandragupt Chopra, P.P.

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

22/12/2023

1. This petition has been filed aggrieved by the order dated 04.05.2023 passed by the District Parole Officer Committee, Jaipur rejecting the prayer of petitioner for his release on First parole for 20 days.
2. Counsel for the petitioner submits that the petitioner vide judgment dated 20.09.2021 in Session Case No.152/2018 has been convicted and sentenced for offences under Section 363 and 376 for a period of ten years rigorous imprisonment. It has been pointed out that the first parole to petitioner has been declined taking resort of Rule 16(1) of the Rajasthan Prisoners Release on

Parole Rules, 2021 (hereinafter referred to as "the Rules of 2021") promulgated w.e.f. 30.06.2021, on the ground that petitioner has not completed half period of sentence awarded to him. A perusal of order impugned dated 04.05.2023 fortify this fact.

3. Reply to the instant writ petition has been filed by the State and in para 9 of the reply, it has been stated that petitioner has consumed total period of sentence upto 15.06.2023 as 5 years 1 month and 12 days. The details of period of custody of petitioner duly verified by the Superintendent, Central Jail, Jaipur has been enclosed as Annexure-R-1.

4. Having adverted to the record, since it has transpired that presently petitioner has completed more than half period of his sentence upto 15.06.2023 and his conduct has been held to be satisfactory and there is no other adverse remark to grant first parole to the petitioner, therefore, he is entitled to be released on first parole for 20 days in view of Rule 16(1) of the Rules of 2021.

5. Accordingly, the impugned order dated 04.05.2023 is quashed and set aside. It is directed that the petitioner **Imran Khan son of Israil** be released on first regular parole of 20 days from the date of his release provided he furnishes a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the Superintendent Central Jail, Jaipur with the stipulation that he shall surrender himself before the Jail Authorities immediately after expiry of 20 days and he shall maintain peace and tranquility during parole period.

6. The petition stands allowed.

(SUDESH BANSAL),J