



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Criminal Writ Petition No. 410/2026

Narayan Alias Ram Narayan S/o Shri Nainu Ram Adopted Son
Chatra Ram, Aged About 36 Years, At Present Lodged In Central
Jail Ajmer R/o Jhalra P S Asind District Bhilwara Through His
Maternal Uncle Deeparam S/o Shri Gopi Ram Aged About 61 R/o
Village Kherpura P S Bigod District Bhilwara

-----Petitioner

Versus

1. State Of Rajasthan, Of Home Dept Jaipur
2. The District Collector, Bhilwara
3. The Superintendent, Central Jail Ajmer

-----Respondents

For Petitioner(s)	:	Mr. Kalu Ram Bhati Ms. Kavita Sharma Mr. Vakil Kumar
For Respondent(s)	:	Mr. Deepak Choudhary, AAG

**HON'BLE MR. JUSTICE FARJAND ALI
HON'BLE MR. JUSTICE SANDEEP SHAH**

Order

Reportable

13/03/2026

1. The instant criminal writ petition under Article 226 of the Constitution of India has been preferred on behalf of the petitioner assailing the order dated 14.01.2026 passed by the learned District Collector, Bhilwara, whereby the petitioner's prayer seeking grant of second parole for a period of 30 days has been declined.
2. Learned counsel for the petitioner submits that the parole application of the petitioner has been rejected on mechanical and extraneous considerations, despite the fact that the petitioner



fulfils the eligibility criteria under the applicable rules and his conduct in jail has been reported to be satisfactory. It is further submitted that vague apprehensions expressed by the police authorities cannot constitute valid grounds for denial of parole.

3. Learned AAG submitted that since the victim and the convict reside in the same village and in close proximity to each other, the release of the convict on parole may pose a potential threat to the safety and security of the victim as well as her family members, and therefore, he ought not to be granted the benefit of parole.

4. We have heard the learned counsel for the petitioner and learned AAG as well as perused the material available on record.

5. The apprehension expressed by the learned AAG that the victim and the convict reside in the same village and, therefore, the convict ought not to be released on parole, cannot be accepted in its absolute and inflexible terms. The mere circumstance that the victim and the convict belong to the same village, by itself, cannot constitute a valid ground to deny the benefit of parole. If such a proposition were to be accepted as a rule of universal application, the very purpose for which the concept of parole has been evolved in criminal jurisprudence would stand frustrated.

5.1 Parole is not conceived merely as an act of administrative indulgence; rather, it is an integral facet of the reformatory approach that underlies modern penology. The object of parole is to enable a convict to maintain his social and familial ties and to



facilitate his gradual reintegration into the mainstream of society. A prisoner, though deprived of his liberty for the commission of an offence, does not cease to be a member of society. The law does not contemplate his permanent social isolation. On the contrary, the philosophy of parole recognises that a convict must be afforded a meaningful opportunity to reconnect with the social environment so that he may reflect upon his past conduct and endeavour to reform himself.

5.2 The apprehension voiced by the prosecution proceeds on the assumption that the mere presence of the convict in the same village as the victim would necessarily endanger the latter. Such a submission, in the considered opinion of this Court, appears to be founded more upon conjecture than upon any concrete material placed on record. The criminal justice system cannot operate on bald and speculative presumptions. Unless there exists tangible material to indicate a real and imminent threat, the denial of parole on such a generalized apprehension would not be justified. Equally important is the practical dimension of the matter.

5.3 The very purpose of granting parole is to permit the convict to return to his home environment and experience the responsibilities and realities of social life. If a convict, during the period of parole, is not permitted to visit his home or reside within his native village, the obvious question that would arise is, where else would he go? The home of a person is naturally the place where his family resides and where his social roots lie. Directing a



convict to reside at some unknown or unrelated place during parole would not only be impractical but would also render the grant of parole largely illusory. Parole is meant to provide the convict with an opportunity to step outside the prison walls, to interact with society and to feel the value of living as a responsible member of the community. When a convict returns to his village, observes the ordinary rhythm of life, and reconnects with his family and surroundings, it often generates a sense of introspection and responsibility within him. The realisation that he must rebuild his life and restore his dignity in the eyes of society frequently acts as a powerful incentive for self-correction. If this opportunity is denied by prohibiting him from even visiting his home, the reformatory object underlying parole would stand substantially defeated.

5.4 The Hon'ble Supreme Court in the case of **Asfaq v. State of Rajasthan** reported in (2017) 15 SCC 55 emphasised that parole is a measure intended to maintain the continuity of family and social relations and to enable the prisoner to prepare himself for eventual reintegration into society.

5.5 Similarly, in **Inder Singh v. State (Delhi Administration)** reported in (1978) 4 SCC 161, the Hon'ble Apex Court underscored the significance of parole in preserving family ties and highlighted the need for rehabilitation and humane treatment of the young convicts, directing the State to ensure their dignity



and provide opportunities for rehabilitation, including parole and family visits.

6. The philosophy underlying parole is rooted in the reformatory theory of punishment which recognises that the ultimate goal of the criminal justice system is not merely to punish but also to reform. In this regard, the words of Mahatma Gandhi are particularly instructive:-

"Hate the sin and not the sinner."

"Hate the sin and not the sinner is a precept which, though easy enough to understand, is rarely practiced, and that is why the poison of hatred spreads in the world... It is quite proper to resist and attack a system, but to resist and attack its author is tantamount to resisting and attacking oneself. for we are all tarred with the same brush, and are children of one and the same Creator, and as such the divine powers within us are infinite. To slight a single human being is to slight those divine powers, and thus to harm not only that being but with him the whole world." ¹

6.1 The said thought encapsulates the essence of reformatory justice that while the wrongdoing must be condemned, the individual must not be denied the opportunity to reform himself and return to society as a better human being. Therefore, while ensuring that adequate safeguards are put in place to protect the victim from any form of contact or intimidation, the convict cannot be denied the benefit of parole merely on the ground that both parties happen to reside in the same village. To hold otherwise

¹ Mahatma Gandhi, Gandhi: An Autobiography.



would amount to defeating the very object of parole and would reduce a reformatory measure of law into an empty formality.

7. At the same time, the concern for the safety, dignity and peace of mind of the victim cannot be lightly brushed aside. The criminal justice system must remain sensitive to the rights and security of the victim. However, such concerns can adequately be addressed by imposing appropriate and stringent conditions ensuring that the convict does not approach, contact or in any manner interact with the victim or her family members during the period of parole. The law provides sufficient safeguards to ensure that the liberty granted to the convict does not translate into harassment or intimidation of the victim.

8. In this background, this Court is inclined to accept the instant writ petition, which is hereby allowed with certain conditions. These conditions are imposed with a view to strike a balance between the legitimate concerns regarding the safety of the victim and the reformatory objective underlying the grant of parole, so that the convict may avail the opportunity to reintegrate into society while maintaining public order and tranquility. The following are the conditions upon the convict during his parole:-

(a) It is ordered that the convict-petitioner shall be released on second parole of thirty days upon his furnishing a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the Superintendent, Central Jail, Ajmer, on the usual terms and conditions. The Superintendent, Central Jail,



Ajmer shall be at liberty to impose such other adequate and reasonable conditions as may be necessary to ensure the return of the petitioner to custody after availing the parole. The period of parole shall be computed from the date of his actual release.

(b) The convict shall not, in any manner whatsoever, attempt to contact, approach, confront or communicate with the victim or any of her family members or acquaintances. He shall maintain due distance and shall ensure that his conduct does not give rise to any apprehension or discomfort to the victim or her family.

(c) The convict shall mark his presence before the concerned Police Station once every ten days during the subsistence of the parole period. The purpose of such appearance shall merely be to intimate the police authorities of his presence and to assure that he is maintaining peace and good conduct in the locality. The Station House Officer shall also ensure that the said requirement is complied with in its true spirit and the convict is not unnecessarily detained at the Police Station. The appearance is not in the nature of a custodial attendance but is only intended to serve as a formal acknowledgment of his presence and adherence to the conditions of parole.

(SANDEEP SHAH),J

(FARJAND ALI),J

23-Mamta/-