



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

S.B. Criminal Writ Petition (Emergent Parole) No. 45/2025



Himmat Singh S/o Shri Bhagwan Sahay Meena, R/o Village Karodi, Police Station Mehndipur Balaji, District Dausa (Raj.), (At Present Confined In Petrol Pump (Jail), Ghatgate, Jaipur (Raj.). Through His Cousin Brother - Aakash Meena S/o Shri Gopal Lal Meena, Aged About 24 Years, R/o Ward No. 150, Satyanarayan Ji Ki Bagichi, M.D. Road, Dada Badi Ke Pass, Jawahar Nagar, Jaipur (Raj.).

-----Petitioner

Versus

1. State of Rajasthan, Through Inspector General Of Prisons, Directorate Prisons, Ghatgate, Jaipur (Raj.).
2. District Magistrate, Dausa, Office Of Collectorate Dausa (Raj.).
3. Superintendent Special Central Jail, Salyawas, Dausa (Raj.).

-----Respondents

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| For Petitioner(s) | : | Mr. Tekchand Swami             |
| For Respondent(s) | : | Mr. Jitendra Singh Rathore, PP |

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**JUSTICE ANOOP KUMAR DHAND**

**Order**

**16/01/2025**

1. By way of filing of this petition, a prayer has been made by the petitioner for his release on parole for the purpose of delivery of his wife.
2. Counsel for the petitioner submits that the wife of the petitioner is pregnant and her due date of delivery is 29.01.2025. Counsel submits that under Rule 11(1)(v) of the Rajasthan Prisoners Release on Parole Rules, 2021 (for short 'the Rules of 2021'), an application was submitted by the



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petitioner before the Superintendent of Jail and the same was forwarded to the District Magistrate, Dausa on 22.12.2024 vide dispatch No.5236. Counsel submits that in-spite of passing of considerable time, till date, the said application has not been decided for the reasons best known to the authorities. Counsel submits that under these circumstances, interference of this Court is warranted.



3. Per contra, learned counsel for the State opposed the arguments raised by the counsel for the petitioner, but he is not in a position to controvert the submissions made by the counsel for the petitioner.

4. Heard and considered the submissions made at Bar and perused the material available on the record.

5. Perusal of the record indicates that emergent parole can be granted to the prisoner as per the provisions contained under Rule 11 of the Rules of 2021, which reads as under:

**"11. Emergent cases.-** (1) Notwithstanding anything contain in rule 5, 6, and 10, in emergent cases, involving humanitarian consideration, such as,-

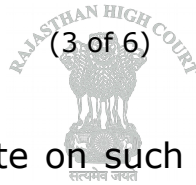
(i) critical condition on account of illness of any close relative i.e. father, mother, wife, husband, children, brother or un-married sister;

(ii) death of any such close relative;

(iii) serious damage to life or property from any natural calamity;

(iv) Marriage of a Prisoner, his/her son or daughter or his/her brothers/sister in case his/her parents are not alive; and

(v) delivery of Prisoners wife, a prisoner, may be released on parole for a period not exceeding seven days by the Superintendent of the Jail and for a period not exceeding fifteen days by the Inspector General of Prisons or



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District Magistrate on such terms and conditions as they may, consider necessary to impose for the security of the prisoner including a guarantee for his return to the Jail, acceptance or execution whereof would be a condition precedent to the release of such a prisoner on parole.

(2) Notwithstanding anything contained in these rules, where a pregnant woman prisoner applies for parole to have her delivery outside the prison, the Director General of Prisons may grant parole to such a woman prisoner for a period not exceeding ninety days on such terms or conditions as he may consider necessary to impose for the security of the prisoner including a guarantee for her return to Jail, acceptance or execution whereof shall be a condition precedent to the release of such prisoner on parole:

Provided that no parole shall be granted and no prisoner shall be released on parole under this sub-rule, if in the opinion of the Director General of Prisons, that the prisoner is under high security risk or is undergoing sentence for committing a grave offence.

(3) Where a petition for suspension of the execution of a sentence of imprisonment or for remission of the whole or part of a sentence of imprisonment is made by or on behalf of a person sentenced to imprisonment of an offence under any law relating to matter to which the executive power or the Union extends and the person sentenced to an imprisonment is in jail, the execution of the sentence shall be suspended and such person released on parole, not exceeding fifteen days, if the Government of the State in which such person is detained in jail is satisfied that the immediate release of such person on parole is rendered necessary by reason of any illness constituting a grave threat to the life of such person or of a parent, wife husband or child of such person. Such prisoner shall not entitled for any other kind parole under these rule.

(4) A person released on parole under sub-rule (3) above, shall enter into a bond, undertaking to reside during the period of the parole at a place specified therein and not depart therefrom,





without the previous permission of the State Government and to return to the jail in which he is confined on expiry of the period of his parole, and to conform to such other conditions as the Stated Government may consider necessary.

(5) A copy of the order for release of prisoners on parole shall be endorsed to the next higher authority giving full circumstances under which the parole has been allowed.

(6) In case the next higher authority does not approve the grant of parole, he may ask the authority granting the parole to revoke the same who shall act accordingly."



6. Seeking parole on the ground of pregnancy of the wife is one of the ground for getting emergent parole in terms of the provisions contained under Rule 11(1)(v) of the Rules of 2021. As per the documents annexed with the writ petition, the wife of the petitioner is having pregnancy and her due date of delivery is 29.01.2025. In pursuance of the provisions contained under Rule 11(1)(v) of the Rules of 2021, the petitioner submitted an application before the Superintendent of Jail for his release on interim parole. The said application was forwarded to the District Magistrate, Dausa on 22.12.2024 vide dispatch No.5236.

7. As per the provisions contained under Rule 23 of the Rules of 2021, the concerned Committee i.e. District Committee was supposed to decide the application within a period of four days from the date of receipt of the application for parole. For ready reference, the provisions contained under Rule 23 of the Rules of 2021 are reproduced as under:



**"23. Immediate disposal of application.-**

(1) For the immediate disposal of application regarding release of prisoners on parole on the ground of serious illness of their near relations i.e. Father, Mother, Daughter, Son, Husband or Wife, the District Magistrate shall deal with the application expeditiously and cause immediate enquiries to be made and communicate his recommendations to the State Committee or District Committee within four days of the date of receipt of the application for parole.

(2) In case of death of near relations i.e. Father, Mother, Daughter, Son, Husband or Wife of a Prisoner, parole under Police Custody may be sanctioned by the Superintendent of Jail for maximum six hours excluding journey period after due verification of the facts to attend the final rituals. He may impose such terms and conditions as he may considers necessary to impose for the security of the prisoner including a guarantee for his return to the Jail. Acceptance or execution where of would be a condition precedent of the release of such prisoner on custody parole.

(3) Where the State Government considers it expedient in the interest of effective and quick disposal of application to release of prisoners on parole or it appears to the State Government that the District Committee is not able to function properly, it may assign the functions of the District Committee to the State Committee."

8. Without any justified reason, the application filed by the petitioner has not been decided by the District Magistrate/ District Committee. Aforesaid act of the authorities is not in consonance with the mandatory provisions contained under Rule 23 of the Rule of 2021.

9. Looking to the urgency involved in the matter and looking to the fact that the due date of delivery of the wife of the petitioner is 29.01.2025 and delivery may occur at any





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point of time, therefore, under these circumstances, a direction is issued to the District Magistrate, Dausa to decide the pending application expeditiously, as early as possible, within a period of four days from today and pass appropriate orders.



10. With the aforesaid observations, the instant criminal writ petition stands disposed of. Pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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