

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

D.B. Criminal Writ Petition No. 3130/2025

Khartaram, R/o Harijan Basti Jaitaniya Gate Sojat City Ps Sojat
City District Pali

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary

Collector, Pali

3. Superintendent, Central Jail Jodhpur

-----Respondents



For Petitioner(s) : By Post

For Respondent(s) : Mr. Deepak Choudhary, AAG

HON'BLE MR. JUSTICE ARUN MONGA

HON'BLE MR. JUSTICE FARJAND ALI

Judgment

Reportable

Judgment Reserved on :- 16/12/2025

Pronounced on :- 06/01/2026

By the Court (Per, Arun Monga, J):-

1. An undated letter addressed to this court, sent by post by a convict, lodged in jail undergoing life imprisonment, has been converted into the instant writ petition. It reveals a persistent and deeply troubling pattern i.e. for the fourth time, the convict-prisoner has been compelled to invoke the jurisdiction of this Court for no reason other than his poverty and inability to furnish surety and the persistent mechanical approach of the competent authority by imposing an onerous condition of furnishing of sureties for actual release on duly sanctioned parole. On three earlier occasions, the petitioner was similarly forced to approach this Court solely because the authority insisted upon the

furnishing of sureties, in addition to a personal bond, as a precondition for release on parole. The said insistence was categorically rejected and waived by this Court each time.

2. Notwithstanding the petitioner's financial incapacity, and repeated, unequivocal and favorable judicial indulgence by waiver of the condition of furnishing sureties in past, the competent

authority while sanctioning parole has, yet again, with complete nonchalance, imposed the very same condition for the fourth parole, directing the petitioner to furnish two sureties of ₹25,000

each. What is particularly disturbing is the mechanical re-imposition of an identical condition for the fourth time, despite it's

earlier waiver, not once but thrice by this Court. Regrettably, it reflects a disturbing institutional apathy to the rule of law. More of it, later.

3. Succinct facts first.

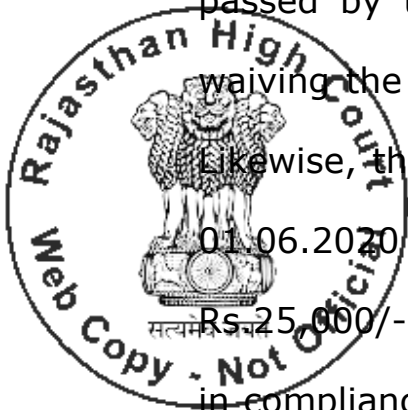
3.1. Khartaram (petitioner herein) is undergoing sentence in Central Jail Jodhpur. He has been convicted for the offences under section 302/34 of IPC and awarded life imprisonment vide sessions court judgment dated 15.11.2014. As on 30.10.2025, the petitioner has undergone sentence as below:-

Sr. No.	Particulars	Year	Months	Days
1.	Trial Period	00	07	27
2.	Original sentence served	10	11	15
3.	Total	11	07	12
4.	Jail Remission	02	05	04

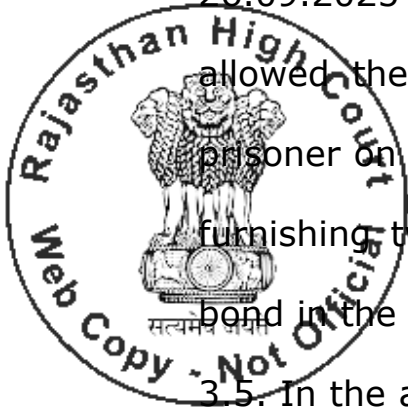
5.	State Remission	00	06	00
6.	Total	14	06	16

3.2. Pertinently, the petitioner earlier availed first parole of 20 days from 22.01.2019 to 10.02.2019 on furnishing personal bond of Rs.10,000/- in compliance to the order dated 19.01.2019 passed by this Court in D.B. Criminal Writ Petition No.06/2019 waiving the imposition of the condition of furnishing surety bond. Likewise, the prisoner also availed 30 days of second parole from 01.06.2020 to 30.06.2020 on furnishing personal bond of Rs.25,000/- upon waiver of precondition of furnishing surety bond in compliance to the order dated 28.05.2020 passed by this Court in D.B. Criminal Writ Petition No.151/2020. He also availed 40 days of third parole from 22.08.2022 to 30.09.2022 on furnishing personal bond of Rs.50,000/- following waiver of precondition of furnishing surety bond in compliance to the order dated 16.08.2022 passed by this Court in D.B. Criminal Petition No.276/2022.

3.3 Thus, it is the fourth foray of the petitioner/prisoner before this Court seeking the same relief i.e. waiver of the precondition of furnishing surety bonds as a precondition of seeking parole. The bare facts are a telling tale showing that the petitioner is an indigent person. On previous two occasions he sent letters to this Court seeking the waiver of the similar condition. Those letters were converted into writ petitions and the relief was granted. Third time though he filed a writ petition through counsel seeking the same relief which too was allowed. Unable to afford a counsel, this time again he has once again sent a letter seeking the waiver of precondition of furnishing surety bond.



3.4. Before approaching this Court, the prisoner submitted an application seeking grant of fourth periodical regular parole for a period of 40 days. The said application was forwarded to the learned District Magistrate, Pali, vide letter dated 26.08.2025. The District Parole Advisory Committee, Pali, convened a meeting on 26.09.2025 and upon consideration of all relevant aspects, it allowed the application. The Committee ordered release of the prisoner on fourth periodical regular parole for 40 days, subject to furnishing two sureties of ₹25,000/- each along with a personal bond in the sum of ₹50,000/- vide order dated 29.09.2025.



3.5. In the aforesaid circumstances, the petitioner has approached this Court seeking waiver of the condition to furnish two sureties of ₹25,000/- each. He prays for modification of the order dated 29.09.2025 passed by the District Level Parole Committee, Pali, to the extent it mandates furnishing of sureties and seeks releases on parole upon execution of a personal bond alone.

4. A reply has been filed on behalf of the State seeking dismissal of the petition. It has been contended that the petitioner himself has conceded his inability to furnish sureties for availing parole as stated in his letter. Similar submissions have been advanced by the learned PP/Additional Advocate General during the course of hearing. No one has appeared on behalf of the petitioner, as he is unable to afford the services of counsel.

4.1. Along with the reply, placed on record is a report of the Station House Officer, Police Station Sojat City, District Pali. As per the report, qua the social and economic condition of the prisoner, it is revealed that the prisoner had two brothers, namely Natha Ram and Ramesh and four sisters, namely Smt. Manju Devi, Smt.

Kamla, Smt. Umrav, and Smt. Kanchan. It is further reported that Natha Ram has expired, while Ramesh is residing at his in-laws' house at Kumbhalgarh. The report categorically records that the social and economic condition of the prisoner is not good.

4.2. A report submitted by the Superintendent, Central Jail, Jodhpur, is also appended with the reply wherein it is specifically stated that on three earlier occasions, this court had waived the condition of surety bond and the petitioner was released on parole upon furnishing a personal bond alone.

In the aforesaid backdrop, we have heard the arguments addressed by the learned AAG and perused the case file and shall now proceed to deal with merits thereof.

6. Before advertng to the matter in hand and in order to better appreciate the intent, concept and procedure of parole, reference may be had to the applicable Rules i.e. Rajasthan Prisoners Release on Parole Rules, 2021 framed under section 59 of the Prison Act, 1894 (hereafter referred to as the Rules).

7. For ready reference and adjudication of the controversy herein, the relevant Rules 4, 6, 8, 10, 14 and 15 ibid are reproduced below: -

“4. Constitution and functions of the District Parole Advisory Committee.-

(1) The District Parole Advisory Committee shall be consist of the following, namely:-

(1) District Magistrate - Chairman

(2) Superintendent of Police - Member

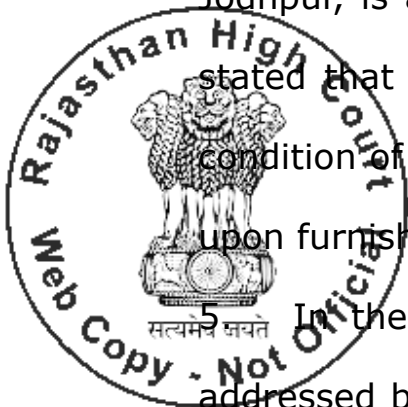
(3) Deputy Superintendent/ Secretary Superintendent, Jail - Member

(4) Probation Officer - Member

(2) The District Committee shall decide as to release of the prisoners on First, Second, Third and further periodic parole.

(3) The District Committee may revoke the order of release of Prisoner on parole in appropriate case.

(4) The District Committee shall decide other like matters arising under these rules which the District Committee is required to deal with.



(5) The quorum for transacting the business of the committee shall be two including the Chairman. Where the Chairman is unable to attend the meeting of the Committee, the proceedings of the Committee shall be forwarded to the Chairman for his approval. The Chairman may approve the proceeding or decides to place it for consideration of the committee in the next meeting, the same shall be attended by the Chairman also. The meeting of committee shall be convened at least once in a month.

x-x-x-x-x-x

6. Disposal of Parole application.-

(1) The Superintendent of Jail concerned shall enter the application in a register in Form-II and put his remarks on the application regarding condition of release and the prisoner's conduct in the jail etc. and within fifteen days forward the copy of it to the District Magistrate of the District in whose jurisdiction the prisoner is serving the sentence along with his comments regarding condition of release and the prisoner's conduct in the jail etc. and the District Magistrate, Superintendent of Police and Probation Officer of the district in whose jurisdiction the prisoner wants to spend the parole period. The District Magistrate of the District in whose jurisdiction the prisoner is serving the sentence shall enter the application in a register in Form-III.

(2) After receipt of report form the District Magistrate, Superintendent of Police and Probation Officer on above application the Superintendent Jail shall forward all the papers in original, along with his comments, to the State Committee or the District Committee, as the case may be, for there consideration and orders.

(3) If a prisoner is not eligible for parole under these rules and the Committee keeping in view the condition and circumstances of the prisoner, thinks it proper to release the prisoner on parole on humanitarian grounds, it may recommend the case to the Government. The Government may grant parole to such prisoner as a special case in relaxation of rules. Decision taken by the Government shall be final in such cases.

(4) A person sentenced to imprisonment of an offence under any law relating to matter to which the executive power of the Union extends shall not entitled for any kind parole, except suspension of sentence under sub- rule (3) of rule 11 of these rules.

x-x-x-x-x-x

8. Release on Bond and Security.- The Superintendent of Jail shall release the prisoner on parole when he has furnished personal bond and security to the District Magistrate and has thoroughly understood the conditions of his release while on parole or any other condition which the District Magistrate may like to impose on such prisoner.

10. Parole Period.- A prisoner, who has completed with remission, if any, one-fourth of his sentence and subject to good conduct in the Jail, may be released on first parole for twenty days including days of journey to home and back and for thirty days on second parole if his behaviour has been good during the first parole and for forty days on third parole if his behaviour has been good during the second parole. If during the third parole also the prisoner has behaved well and his character has been exceedingly well and if the prisoner's conduct has been



such that he is not likely to relapse into crime, his case may be recommended to the Government through the State Committee for permanent release on parole if he has served two third of sentence including remission on such conditions as deemed fit by the State Committee. The State Government may, on recommendation of the State Committee, grant parole on such conditions as deemed necessary by it among them the main condition being that if the prisoner while on parole commits any offence or abets, directly or indirectly, commission of any offence, he has to undergo the unexpired portion of the sentence in addition to any sentence imposed upon him for such an offence. In case the permanent release on parole is rejected, the prisoner shall be eligible for release on parole for forty days every year on the same conditions for the remaining period of his sentence:



Provided that the cases of prisoners who have been sentenced to imprisonment for life, for an offence for which death penalty is one of the punishments provided by law or who have been sentenced to death but this sentence has been commuted under section 433 of the Code of Criminal Procedure, 1973 into one of life imprisonment shall not be placed before the State Committee for permanent release on parole unless he has served fourteen years of imprisonment excluding remission, but including the period of detention during enquiry, investigation or trial. Such prisoners may be released on parole for forty days every year for the remaining period of their sentence subject to the conditions as stated above.

Provided further that if a prisoner has not applied any regular periodic parole or not availed any regular parole for any reason shall not be disqualified for permanent parole.

Provided also that no second and subsequent release on parole, except release on permanent parole, shall be made unless eleven months have elapsed from the date of the expiry of the period of release on parole immediately preceding.

14. Parole period regarded as imprisonment served.- *The period for which a prisoner stays on parole under rule 10, without violating the conditions laid down for the purpose, shall be treated as imprisonment served by him. All other kinds of parole shall be treated as sentence suspended.*

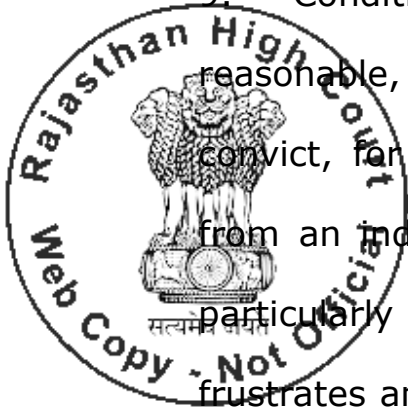
15. Aim of parole to encourage good conduct.- *The grant of parole should be regarded as occasion to encourage good conduct and it shall not be claimed by prisoners as a matter of right.*

8. There is no gain saying that legislative intent of the provisions for the sanction and release of prisoners on parole is to encourage good conduct and serve as a reformative and humanitarian measure. It also serves to preserve the prisoner's familial and social ties and to aid his reintegration in the society. Parole is not a matter of executive largesse only and is rather a

recognized facet of the rehabilitative philosophy underlying penal jurisprudence. Being an integral facet of the reformatory theory of punishment, parole and its conditions must conform to constitutional mandates of fairness, reasonableness and non-arbitrariness under Articles 14 and 21 of the Constitution of India.

9. Conditions imposed for grant of parole must, therefore, be reasonable, non-arbitrary and tailored to the circumstances of the convict, for actual release on parole. Any insistence on sureties from an indigent prisoner who is unable to fulfill that condition, particularly after repeated judicial interventions to the contrary, frustrates and renders the concession of sanctioned parole illusory besides defeating its constitutional and statutory purpose.

10. Rule 4 of the aforesaid 2021 Rules delineates the constitution and functions of the District Parole Advisory Committee and empowers it to decide parole applications, impose conditions and revoke parole where warranted. Sub-rule (4) specifically provides that the District Committee shall decide other like matters arising under these rules which the District Committee is required to deal with. Thereunder, the District Committee can impose conditions for the prisoner's release on parole obviously including the condition for furnishing personal bond and/or security. This provision, as is borne out from its language, is directory and not mandatory or punitive. Once the Committee decides to release the prisoner on parole, its discretion to impose conditions therefor ought to be exercised in a positive manner to advance the object of sanctioned parole and to facilitate and actualise the prisoner's release. In other words, it should not impose unduly harsh conditions and thereby erect hurdles and artificial or



exclusionary barriers thereby delaying, obstructing or frustrating his release on the sanctioned parole. The Rule vests power in the Parole Committee to impose conditions but is not a mandate for the Committee for necessarily imposing and/or insisting upon the condition of surety bonds in every case. It also does not prohibit the prisoner's release on parole on a personal bond alone.

11. Ordinarily, no doubt, requiring sureties would be justified as a mechanism to secure the prisoner's surrender after completion of parole. However, the law does not, and constitutionally cannot, countenance a situation where the means defeat the end.

Furnishing of surety is only means to secure the prisoner's surrender after completion of parole and not an end in itself. Where a prisoner's indigence and inability to furnish sureties is established and undisputed, insistence on sureties becomes an instrument of oppression and exclusion. Parole, once granted by the competent committee, cannot be rendered meaningless or illusory by superimposing conditions which the authority itself knows the prisoner is unable to fulfill. Such an approach amounts to constructive denial of parole, notwithstanding its formal grant.

12. Speaking once again of the applicable law/Parole Rules, on requiring of surety/security, neither there is any prohibition on the parole committee nor is there any mandate that a prisoner cannot be released on parole without insisting for or putting the condition of furnishing a security along with personal bond. The imposition of conditions for release on parole including furnishing surety/security is a discretion vested in the Committee. It is of course the duty of the Parole Committee that appropriate conditions are imposed on the prisoner so as to ensure that he



does not either misuse the concession of parole or jump/overstay the parole period and surrenders at the jail upon completion of the parole. Ordinarily, no doubt, it is prudent that to secure the surrender of the prisoner along with personal bond, either one or two surety bonds as the case may be are also directed as a precondition. However, what about cases of proven financial incapacity or indigence and inability to furnish sureties? In the petitioner's case, the then Division Benches of this Court (seized of the matter from time to time), not once or twice, but three times, i.e. D.B. Criminal Writs No.6/2019, decided on 19.01.2019, D.B. Criminal Writ Petition No. 151/2020, decided on 28.05.2020 and D.B. Criminal Writ Petition No. 276/2022, decided on 16.08.2022 held that in view of the penurious condition of the petitioner, he deserved waiver of the surety bond. He was directed to be released on parole by only furnishing personal bond. Twice he had to send the petition by post as he could not afford an advocate, whereas third time, he managed to engage a counsel. Instant is the fourth time when unable to afford a counsel, he has not been able to avail the parole despite it's having been granted by the committee due to the condition of two surety bonds to be furnished, which he could not furnish.

13. In somewhat similar circumstances, Full Bench of Gujarat High Court in **Natia Jiria Vs. State of Gujarat**¹ observed that where there is no material to disbelieve a prisoner's plea of poverty, the authority is not merely permitted but obliged to release him on a personal bond. It recognized that even a nominal surety requirement can operate as a total bar for the indigent,

¹ 1984 (1) 25 Guj LR 464

thereby converting poverty into a disqualifying factor. The Full bench judgment expressed the its sentiments observing that Poverty is not a crime. Discretion vested in authorities must be exercised to advance constitutional protection, not undermine it.

14. The Full bench in **Natia Jiria** articulated the aforesaid principle with compelling moral and constitutional clarity as under:-



“Poverty is no crime. Even so property-oriented approach in statutory provisions often results in a poor man being prized out of justice. The acuteness of extreme poverty could be best understood only by experiencing it. The plight of the impecunious in all its severity may not be fully realised even by an enlightened class engaged in statute and rule making. Whatever may be said of the legislations prior to the Constitution, in an egalitarian society where justice is promised to the poor and the rich alike, there is no scope for a law which virtually keeps out a penurious person from the benefit of the law or puts him to the penalty of a provision for reason of his impecuniousness. If an instance or illustration of this situation is necessary to convincingly project the point sought to be made out here, there could be no better case than the one now before us. A surety bond for Rs. 100/- is by any standard a nominal surety bond and one cannot think of a surety bond for any lesser sum. If there is insistence by law on the furnishing of a surety bond any compassionate and understanding authority cannot stipulate better than to require a surety bond of Rs. 100/-. But, even so there may be many in this country who will not be able to take advantage of a right to free air conferred on him to be availed of on furnishing such a surety bond merely for the reason that he is unable to get any one to stand surety for him in a bond of Rs. 100/-. Should he forfeit his right for that reason is the question.

XXXXX

XXXX

XXXXXXXXXX

To a prisoner who has been deprived of his personal liberty by reason of the confinement within the four walls of a prison a period of two weeks during which he could go home and associate with his wife and children is a great solace. It would be of inestimable value to him.

XXXX

XXXX

XXXXXXXXXX

It is not that because of his conduct and character none is willing to come forward to stand surety. He has no influence to persuade someone perhaps from his far off village to come forward and offer himself to stand surety. His wife and children anxious to have his company may also not be in a position to come forward and stand surety for him to get him released. All that would cost money and it is a stark reality that there are in this country, of ours millions of people who live far far below the poverty line who cannot afford the luxury of going over to a prison and expending money however small it may be, to stand surety after convincing the authorities that they are competent and qualified to be sureties. What should happen to a prisoner under such circumstances?

This country has since long awakened to the need for a considerate approach in matters where weaker sections of the society are involved so

as to make the guarantee of equal opportunity a reality. Provisions of statutes and rules leaving an arena for exercise of discretion to authorities have always been understood as calling for such exercise on the part of the authorities as will render their functioning constitutional. If discretion is conferred on an authority to waive the requirements of the rules such waiver would be justified to promote the concept of constitutional protection more than anything else.....x-x-x-x-x-x

A person in prison is under a great disadvantage and particularly so if he has no friends or competent relatives to help him out. There is no reason why when he pleads his poverty and if there is no material to disbelieve his case of poverty the sanctioning authority should not accept it in the normal course and release him on his personal bond. In other words where the sanctioning authority has no reason or no materials to positively assume that the man could furnish cash security the sanctioning authority would be obliged to release him on his personal bond.



15. In light of the views expressed in the judgment supra, the facts of the case in hand as narrated in the preceding part disclose a disturbing pattern of sheer mechanical approach and administrative apathy. Despite the petitioner's penurious condition coupled with his inability to furnish sureties and this court having directed his release on periodical parole three times in the past on personal bond alone, the authorities have once again persisted in imposing surety conditions. Consequently, parole though sanctioned, but it remains practically unavailable to the petitioner. This offends the core constitutional mandate of equality under Article 14 and the guarantee of dignity implicit in Article 21. A prisoner does not cease to be a rights-bearing individual merely because he is incarcerated. Economic incapacity cannot be a constitutionally valid basis for hostile discrimination against the have-nots vis-à-vis the haves.

16. In **Rakesh Vs. State of Rajasthan DB Criminal Writ Petition No. 295/2021** decided on 28.07.2021, owing to the

convict's poor family conditions and other impediments, this Court had waived the condition of surety imposed by the Parole Committee and ordered that he be released on parole on furnishing personal bond. Further, the Court took a serious note of the neglect and long delays on the part of the competent authorities in taking up and considering the cases of the eligible convicts for release on parole, their languishing in jails for prolonged periods unable to avail the facility of parole because of poverty, illiteracy and other trivial reasons, thus frustrating the spirit of the welfare legislation. In order to mitigate the situation, this Court had issued certain directions for compliance by the competent authorities. For ready reference, the relevant part of the judgment *ibid* containing those directions is extracted herein below:

"As per Rule 10 of the Rajasthan Prisoners Release on Parole Rules, 2021, every prisoner, who has served a particular part of his sentence (with the maximum being 5 years for life convicts) earns a right to be considered for release on parole. We have come across numerous cases wherein, the convicts languishing in jails for prolonged periods unable to avail the facility of parole because of poverty/illiteracy and other trivial thereby, frustrating the spirit of the welfare legislation i.e. the Rules of 2021 (previously Rules of 1958).

It is indeed a pathetic state of affairs that the convict petitioner herein, has been granted first parole after serving imprisonment of 14 years. We therefore direct the Member Secretary, Rajasthan State Legal Services Authority in coordination with the Director General of Prison, State of Rajasthan shall get prepared a computerized database of convicts lodged in the prisons all over the State of Rajasthan which may include the broad details viz. date of arrest of the convict; sentence served by him/her; jail punishment, if any; period of abscondance, if any; paroles granted, if any. The compliance report shall be submitted for the Court's perusal on 14.09.2021.

A prominent sign board shall be installed at the entries of all Central Jails in the State of Rajasthan displaying in Hindi the gist of Rule 10 of the Rajasthan Prisoners Release on Parole Rules, 2021. It shall be the duty of the Superintendent of jail concerned to inform all eligible prisoners of their right to be considered for being released on parole as soon as their cause becomes ripe."

17. In **Sunil Batra v. Delhi Administration**², the Supreme Court authoritatively held that prisoners do not shed their

² (1978) 4 SCC 494

fundamental rights at the prison gate, save to the extent lawfully curtailed by procedure established by law.

18. This position was reaffirmed in **State of Haryana v. Mohinder Singh**³, wherein it was held that parole serves the twin objectives of maintaining family and social ties and facilitating rehabilitation, and that executive discretion in such matters must be exercised rationally and humanely. Further, in **Moti Ram v. State of Madhya Pradesh**⁴, the Supreme Court deprecated the mechanical insistence on sureties from indigent persons, holding that such conditions defeat access to justice and violate the guarantee of equality before law.

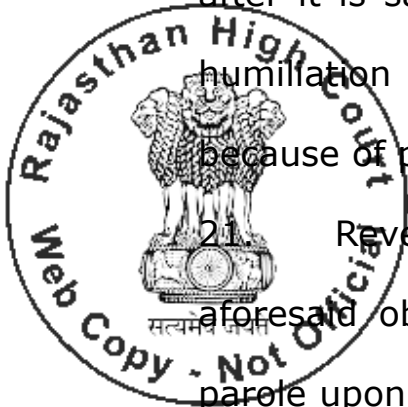
19. We are of the opinion that the insistence on surety bonds in cases of the prisoner's proven indigence and inability of to furnish the same is legally unsustainable, constitutionally impermissible and morally indefensible. Otherwise, instead of being a rehabilitative tool, it turns into a selective indulgence reserved for those with means or social capital. Parole is not and cannot be a privilege of the solvent. If it is to serve its humanitarian purpose and legitimacy as an instrument of reform and reintegration, the prisoner's financial incapacity must never be allowed to operate as a disqualifier. Release on personal bond in such cases is not an act of charity but of constitutional compliance. The failure to recognize this amounts to arbitrary State action, liable to judicial intervention and correction.

20. When the competent authority knows and/or is satisfied of a prisoner's indigence and inability to furnish surety bond/s, it would

3 (2000) 3 SCC 394

4 (1978) 4 SCC 47

be unrealistic and highly unreasonable to impose such impracticable condition while granting/sanctioning parole and more so repeating the same on every subsequent occasion of grant of parole. Imposition of such condition would only mean putting barriers against the prisoner's release on parole, even after it is sanctioned. More than that it would cause repeatedly humiliation to the prisoner, hurt his sensibilities and dignity because of poverty and inability to furnish surety bond/s.



21. Reverting to the petitioner's specific case in the light of aforesaid observations, we direct his release on the sanctioned parole upon furnishing personal bond of ₹50,000/- undertaking to comply with the conditions parole and waive off the condition imposed by the competent authority for furnishing two sureties of ₹25,000 each.

22. In order to ensure compliance with relevant provisions of law in true spirit, uniformity in decision-making, obviate unnecessary litigation, undue delay and for mitigating the hardship to the prisoners' release after sanction/grant of parole, it is deemed necessary, to formulate certain guidelines for the concerned competent authorities. We are of the opinion that adoption of the following measures/guidelines shall go a long way in the desired direction:

(i) While sanctioning parole, the amount of personal bond to be furnished by the prisoner should be such as is commensurate with his economic background and status and should not be exorbitant, prohibitive or oppressive.

(ii) Ordinarily, at the time of sanctioning the first periodical parole, a condition of appropriate surety bond/s should also be imposed. However, if before or at the time of sanction of the even first periodical parole the Parole Committee is satisfied, on appropriate inquiry, that the prisoner is indigent and unable to furnish surety bond, it should exercise its discretion not impose the condition of any surety bond, even at the time of sanctioning the first periodical parole.



(iii) If a condition of surety bond/s has been imposed at the time of sanctioning the first periodical parole and the prisoner applies for its waiver and the Committee is satisfied, on appropriate inquiry, that he is indigent and unable to furnish surety bond, it should exercise the discretion to dispense with/waive off the condition of surety bond/s.

(iv) If on earlier occasion, a prisoner had been released on parole without furnishing surety bond, either pursuant to an order passed by the Parole Committee or by this Court or by the Hon'ble Supreme Court, then for his periodical release on parole on the subsequent occasion/s also the Parole Committee shall dispense with the requirement of surety bond/s, unless it has reason, which should be put on record, to believe that during the interregnum the prisoner has become capable of furnishing surety.

(v) The aforesaid guidelines shall, *mutatis mutandi*, also apply to and be followed by the competent authority in cases falling in sub-rule (3) of Rule 4 of Rajasthan Prisoners Release on Parole Rules, 2021 which provides that if a prisoner though not eligible for parole under these rules may be released on parole on humanitarian grounds by the Government as a special case in relaxation of rules.

(vi) Once a convict/prisoner has been given a benefit of waiver of surety bond, immediate intimation shall be forwarded to Member Secretary, Rajasthan State Legal Services Authority who shall take steps to make the entry of the same in the computerized database along with the other data as already directed vide D.B. order dated 28.07.2021 passed in Rakesh Vs. State of Rajasthan, *ibid*. Once such an entry has been made in the database it shall be the duty of the State in co-ordination with Member Secretary, Rajasthan State Legal Services Authority to take steps for grant of subsequent periodic parole for such convicts/prisoners by filing appropriate application through Legal Aid in future.

23. The concerned authorities are required to ensure that in future cases of similarly situated indigent prisoners, the discretion under the Rules *ibid* read with the aforesaid guidelines is exercised in a humane, rational and constitutionally compliant manner, so that the benefit of parole does not remain confined to prisoners



with financial means. The aforesaid guidelines shall be treated as directions of this Court.

24. With these observations/directions, the writ petition is allowed.

(FARJAND ALI),J

(ARUN MONGA),J

