

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

D.B. Criminal Writ Petition No. 131/2022

Girdhari Singh

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Home Secretariat, Rajasthan, Jaipur.
2. The District Collector, Bikaner.
3. The Superintendent, Central Jail, Bikaner.

-----Respondents

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For Petitioner(s) : Ms. Ranjana Singh Mertia  
For Respondent(s) : Mr. Anil Joshi, AAG  
Mr. Bhagwati Prasad, District  
Magistrate, Bikaner  
Mr. R. Ananteswaran, Superintendent,  
Central Jail, Bikaner

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**HON'BLE MR. JUSTICE SANDEEP MEHTA  
HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI**

**Order**

**18/04/2022**

The instant writ petition has been preferred on behalf of the convict petitioner Girdhari Singh seeking to assail the inaction of the respondents in deciding the emergent parole application submitted on behalf of the convict petitioner on the ground of death of his mother.

This Court was apprised that the convict's mother expired on 09.03.2022. The application for interim parole was filed to the Superintendent, Central Jail, Bikaner on 10.03.2022 but the same

was not decided for almost a month whereupon, the instant writ petition came to be submitted. On 08.04.2022, this Court gave an oral direction to learned AAG to ensure that the parole application of the convict is decided whereafter the convict-petitioner has been enlarged on emergent parole vide order dated 09.04.2022. By order dated dated 12.04.2022, we had directed that the District Magistrate, Bikaner and the Superintendent, Central Jail, Bikaner to remain present in the Court to show cause and to explain as to why disciplinary proceedings may not be directed against them for blatant non-compliance of Rule 23 of the Rajasthan Prisoners Release on Parole Rules, 2021 as per which, the application for emergent parole is required to be decided within four days of presentation.

The explanations of both the officers have been filed on record. Lame excuses have been given for not deciding the parole application of the convict-petitioner within four days in terms of the mandatory requirement of the Rules of 2021. The explanations so submitted are absolutely lackadaisical and unacceptable.

Along with the explanation of the District Magistrate, Bikaner, Shri Joshi has filed copy of instruction letter dated 12.04.2022 as per which, the District Collector has issued guidelines so that the emergent parole application filed by the convicts can be dealt with strictly in accordance with the Rules of 2021.

We are of the firm view that both the Officers acted with lackadaisical approach and gross indifference to the Parole Rules, 2021 while dealing with the emergent parole application which had been filed on humanitarian ground i.e, the death of the convict's mother. Lame unconditional apologies have been offered in the explanations filed by the Officials which are not considered

satisfactory because at few parts of the affidavit, a conscious effort has been made to justify the action.

Keeping in view the material available on record, we hereby direct that copy of this order along with copy of the order dated 12.04.2022 and copies of explanations furnished by District Magistrate, Bikaner and Superintendent, Central Jail, Bikaner shall be forwarded to the Chief Secretary, Government of Rajasthan and the Home Secretary, Government of Rajasthan for information and necessary action.

The Home Secretary, Government of Rajasthan shall issue pertinent instructions to the District Magistrates and the Superintendents of jails across the State of Rajasthan to ensure that the emergent parole applications submitted by the convicts are not kept pending and are decided immediately on receipt thereof in terms of the Rule 23 of the Rules of 2021.

The writ petition is disposed of with the above observations and directions.

**(VINOD KUMAR BHARWANI),J**

**(SANDEEP MEHTA),J**

92-Sudhir Asopa/-

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