



2026:CGHC:12858-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 147 of 2026

1 - Sushil Kumar Chauhan S/o Mansai Ram Chauhan Aged About 40 Years Prisoner No. 555/64 R/o Near Kachari Gyatri Mandir Bemtatoli Kunkuri District Jashpur (C.G.), Through His Sister- Reshmi Bai W/o Laxmi Ram Aged 42 Years, R/o Kadmura Patratoli P.S. Narayanpur Tehsil Begicha District Jashpur (C.G.)

... **Petitioner(s)**

versus

1 - State of Chhattisgarh Through The Secretary, Home Department, Mantralaya Mahanadi Bhawan New Raipur (C.G.)

2 - Collector District Magistrate Jashpur District Jashpur (C.G.)

3 - Superintendent Of Police Jashpur District Jashpur (C.G.)

4 - Jail Superintendent Central Jail Ambikapur District Surguja(C.G.)

... **Respondent(s)**

For Petitioner	:	Shri Nishikant Sinha, Advocate.
For State	:	Shri Priyank Rathi, Govt. Advocate.

Hon'ble Shri Justice Ramesh Sinha, CJ

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

18.03.2026

Per, Ramesh Sinha, CJ.

1 The petitioner has filed this writ petition seeking following reliefs:

“10.1 That, this Hon'ble Court may kindly be pleased to quash the impugned order dated 15.07.2025 (ANNEXURE P/1) passed by the Respondent no. 2.

10.2 That this Hon'ble Court may kindly be pleased to direct the respondent authorities to release the petitioner on temporary leave for period of 14 days as prescribed under Chhattisgarh Prisoner Leave Rules 1989.

10.3 Any other relief (s) that this Hon'ble Court may deem fit to grant in the facts and circumstances of this case”

- 2** The petitioner's application for grant of leave (parole) has been rejected by the District Magistrate, Jashpur, vide order dated 15.07.2025 on the recommendation of the concerned Superintendent of Police holding that the petitioner's release is likely to cause threat to the victim and her family after his (petitioner) coming into association with other co-accused of same crime who have been acquitted by the court and further potential untoward incident also cannot be ruled out if he is released. Even Village Sarpanch have also raised objection in granting leave to the present petitioner.
- 3** Learned counsel for the petitioner would submit that the petitioner has been convicted for the offence under Sections 366 and 376(d) IPC and sentenced to undergo RI for 20 years. Appeal filed before this High Court against his conviction has already been rejected in CRA No.539 of 2023 and thereby his conviction has been affirmed by this Court. He would further submit that the application of the petitioner has been rejected by the District Magistrate summarily without following the

relevant provisions of Rule 4 & 6 of the Chhattisgarh Prisoner's Leave Rules 1989 (in short 'the Rule, 1989') as well as Rules 6, 9, 11 & 12 of the Rules, 1989, therefore, the impugned order is liable to be set aside and the petition deserves to be allowed.

- 4 On the other hand, learned State counsel supports the impugned order and opposes the prayer made by learned counsel for the petitioner.
- 5 We have heard the learned counsel for the parties and perused the impugned order and the material available on record.
- 6 Perusal of the impugned order shows that the District Magistrate, Jashpur was swaying with the opinion of the concerned Superintendent of Police that if the petitioner is released on parole, there is likelihood that he will again commit the offence and threaten the victim and his family members. He may also cause breach of peace in the society along with other co-accused who has been acquitted in the same crime, and accordingly rejected the application of the petitioner for grant of parole. Thus, considering all these facts the concerned Superintendent of Police has not recommended for parole to the petitioner which has been affirmed by the concerned District Magistrate.
- 7 Though parole is a mechanism for rehabilitation, it cannot be granted if it poses a genuine risk to public safety. Therefore, considering heinous offence committed by the petitioner, we do not see any good reason to interfere with the order impugned rejecting parole application of the petitioner.
- 8 Apart from the consideration of the District Magistrate, Jashpur, we noticed the issue involved in WPPIL No. 33/2025 (In the matter of Suo

Moto Public Interest Litigation Vs. State of Chhattisgarh & Others), which is pending before this Court. In the said WPPIL No. 33/2025, on being direction made by this Court, the Director General of Police, PHQ, Chhattisgarh, filed his affidavit informing the fact about number of absconding accused persons who have been released on bail. It is necessary to reproduce the relevant part of the affidavit of the Director General of Police, Chhattisgarh, Raipur, which has been observed in the order dated 08.12.2025 in the WPPIL No. 33/2025, which reads as under:-

"4. That, the deponent most humbly and respectfully submits that in order to comply with the order of the Hon'ble Court, the deponent has immediately acted upon the letter of the office of the Advocate General dated 17/10/2025 and in continuation of the same, on 22/10/2025 necessary instructions and directions have immediately been issued to all the Range Inspector General of Polices including the Rail to ensure arrest and entry of 40 prisoners who are still absconding, into the jail by carrying out a special drive in this regard and submit a report about the efforts made for arrest of the accused persons by the concerned Police by 02/12/2025 by enclosing the list of 40 absconding prisoners, who were released on parole, but, have not surrendered and are still absconding so that the order of the Hon'ble Court can be complied with by submitting the information in this regard. To demonstrate this fact, copy of the letter dated 22/10/2025 is filed herewith as Annexure A/3.

5. on That, the deponent most humbly and respectfully submits that taking cognizance of poor performance / efforts / progress in arresting the absconding prisoners, 29/10/2025 a DO letter dated 29/10/2025 has personally been written to all the Range Inspector General of Polices, Chhattisgarh to carry out a special drive for arresting the remaining absconded accused and further

ensure their entry into the jail after their arrest by preparing a working plan in this regard under the supervision of concerned District Superintendent of Polices. To demonstrate this fact, copies of the DO letters dated 29/10/2025 are filed herewith as Annexure A/4 colly.

6. That, the deponent most humbly and respectfully submits that as per the information received from 5 Circle Jails of the State, as on 02/12/2025, 2 absconded prisoners of Circle Jail Ambikapur and Circle Jail Jagdalpur have been arrested out of total 40 prisoners and remaining is 38 in number. To demonstrate this fact, copy of the chart showing arrest of 2 absconded prisoners out of 40 prisoners is being filed herewith as Annexure A/5.

7 That, the deponent respectfully submits that the Police Personnel have made their all sincere and best efforts to arrest the aforesaid 40 absconded prisoners / accused and as a result of which the Police has succeeded in arresting 2 absconded prisoners. It is respectfully submitted that to arrest the remaining 38 absconding prisoners, the continuous efforts are being made by the concerned Police Officials and as soon as the said accused persons are arrested, they would be produced before the concerned learned Trial Court from where they will be sent to the Jail. That, the deponent most respectfully submits that he has the highest regard and respect for the lawful authority of this Hon'ble Court as well as its orders and directions issued from time to time and is duty bound to adhere to and abide by the orders."

- 9** This Court also noticed the increasing number of absconding accused persons who have been either released on parole or bail that once they released on bail/parol, they are not surrendering after completion of their period of parole.
- 10** Therefore, considering the entire facts and circumstances of the case

and in view of the aforesaid considerations, we are not inclined to release the petitioner on leave.

11 Consequently, the writ petition is dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

inder