HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No. 958/2026

Shiva Urf Batla Urf Shivraj S/o Late Shri Prahlad, Aged About 46 Years, R/o Near Mit College, Daulatganj, Engineering College, Kota, Rajasthan, Trhough His Sister Laxmi D/o Late Shri Prahlad Gurjar Aged About 23 Years R/o Near Mit College, Daulatganj, Engineering College, Kota, Rajasthan. (Presently Detained In Central Jail, Kota).

----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. State Of Rajasthan, Through Principal Secretary, Home Department, Government Secretariat, Jaipur.
3. District Magistrate, Kota.
4. Superintendent, Central Jail, Kota.
5. Superintendent Of Police, Kota.

----Respondents

For Petitioner(s)	:	Mr. Shivraj Chauhan
For Respondent(s)	:	Mr. Amit Kumar Gupta, PP Mr. Rajendra Singh Shekhawat, PP

HON'BLE MR. JUSTICE ANUROOP SINGHI (V.J.)

Order

25/06/2026

1. The instant criminal writ petition has been filed by the petitioner – convict seeking his release on emergent parole for attending the post-funeral rituals of his deceased mother.

2. Learned counsel for the petitioner – convict submits that mother of the petitioner – convict passed away on 13.06.2026 and the said fact stood confirmed by the District Collector and District Magistrate vide its letter No.2026/704 dated 13.06.2026 wherein he has been permitted to attend the funeral of his mother on

13.06.2026 from 2:00PM to 6:00PM, after which he was sent back to custody. Learned counsel, thus, prays that the petitioner – convict may be permitted to be release on emergent parole to perform the post-funeral rituals of his deceased mother.

3. Learned counsel also submits that the petitioner – convict deserves to be granted the said benefit in terms of Rule 11 of the Rajasthan Prisoners Release on Parole Rules, 2021 (hereinafter referred to as "**the Rules of 2021"**) read with Section 16 of the Rajasthan Prevention of Anti-Social Activities Act, 2006 (hereinafter referred to as **"the Act of 2006"**).

4. Learned Public Prosecutor though opposed the prayer sought, however, could not dispute the factum of death of mother of the petitioner – convict.

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

6. 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 fora period not exceeding fifteen days by the Inspector General of*

Prisons or 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 State 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."

7. Considering the undisputed fact that mother of the petitioner – convict has expired on 13.06.2026 and the petitioner – convict wants to perform the post-funeral rituals, this Court deems it just and proper to allow this writ petition.

8. Accordingly, the writ petition stands **allowed** and on emergent basis, parole for a period of three days is granted to the petitioner – convict from the date of his actual release, on furnishing a personal bond of Rs.1,00,000/- together with two sureties of Rs.50,000/- each, out of which one shall be furnished by a close family member of the petitioner with surety of an immovable property, to the satisfaction of the Jail Authorities with the stipulation that the petitioner – convict shall surrender himself before the Jail Authorities on expiry of three days from the date of release and shall maintain peace and tranquility during parole period.

9. Pending application(s), if any, stands disposed of.

10. Considering the urgency involved and the obtained facts and circumstances, Registry is also directed to ensure communication of the said order to the Jail Superintendent, Kota, at the earliest.

11. This Court also directs that if during the parole period, the prisoner is found to be indulged in any kind of offence or/and any report is lodged against him of any offence, then in such event, the parole granted to him shall stand cancelled.

(ANUROOP SINGHI (V.J.)),J

JAYANT KUMAR/ 56