



2026:CGHC:15488-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 178 of 2026

Manoj Sahu S/o Mansharam Sahu Aged About 37 Years R/o Village-Gorakhpur Kala, Police Chowki- Sahaspur, Police Station- Lohara, District- Kabirdham (C.G.), Presently Lodged In Durg Central Jail, Durg (C.G.) Since In Jail Through His Friend Ankur Gupta, S/o- Mahendra Kumar Gupta, Presently Aged About 41 Years, R/o- Flat No. 406, Anandpuram, Kohkha, Police Station- Supela, Bhilai, District- Durg (C.G.)

... **Petitioner**

versus

1 – State of Chhattisgarh Through- Additional Secretary, Home (Jail) Department, Government Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur, District- Raipur (C.G.)

2 - Director General (Prisons And Rehabilitation Services) Jail Department, Jail Headquarters, Sector- 19, Nava Raipur, Atal Nagar, Raipur (C.G.)

3 - Jail Superintendent Durg, Central Jail, Durg (C.G.)

4 - Collector Bemetara District- Bemetara (C.G.)

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Ms. Aditi Singhvi, Advocate
For Respondent-State	:	Mr. Priyank Rathi, Government Advocate



Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

06.04.2026

1. Heard Ms. Aditi Singhvi, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents.
2. The petitioner has filed this petition under Article 226 of the Constitution of India, praying for following relief(s) :-

“10.1 The Hon'ble Court may kindly be pleased to quash the order dated 14.02.2026 (Annexure P/1) passed by the respondent authorities and direct the Respondent State in accordance to prematurely release the petitioner, with law, in the interest of justice.

10.2 This Hon'ble Court may kindly be pleased to grant any other relief as it may deem fit in the interest of justice.”

3. Ms. Aditi Singhvi, learned counsel for the petitioner submits that submitted that the Petitioner herein has been convicted on 29-01-2021 for offences punishable under Section 302, 392, 120-B, 201 of IPC by the learned Additional Session's Judge Bemetara, District Durg (C.G.) passed in Sessions Trial No. 26/2009 and he is in jail since 26.05.2009 and is undergoing R.I. for life imprisonment and fine and Cr.A No. 135/20211 filed against the



said impugned judgment of conviction and order of sentence has also been dismissed by this Hon'ble High Court by upholding the judgment of conviction. She further submitted that the Petitioner is in custody since 26.05.2009 and has undergone more than 20 years of incarceration as on 10.06.2025, thereby becoming eligible for consideration of remission under the applicable policy. During this long period, the Petitioner has maintained good conduct in jail, has shown signs of reformation, and has expressed genuine remorse for his past actions and he has undertaken that he shall not repeat any such offence and desires to reintegrate into society to lead a peaceful life with his family while fulfilling his social and personal responsibilities. She further submits that the learned First Additional Sessions Judge, Bemetara, by order dated 21.08.2024, has given a positive "no objection" opinion for grant of remission, and the Superintendent, Central Jail, Durg, has also recommended his case for remission. It is further submitted that despite the positive recommendations of the trial Court and jail authorities, the District Magistrate, Bemetara, arbitrarily rejected the Petitioner's claim on 14.02.2026 on vague and speculative grounds, merely stating that there is a possibility of the Petitioner reoffending in future, without any material basis or objective assessment. The authorities have failed to properly consider relevant factors such as the Petitioner's long incarceration, reformation, good conduct, and favorable recommendations, thereby rendering the impugned order arbitrary



and violative of principles of fairness, as such, the denial of remission defeats the reformatory purpose of punishment and is contrary to law governing remission under Section 432 of the Code of Criminal Procedure. It is lastly submitted that the denial of parole by the learned Additional District Judge, Bemmetara has already been assailed by the co-accused, namely Gopal Ram, by filing WPCR No.161/2026, which came to be allowed by this Court vide order dated 24.03.2026. It is, therefore, contended that the present petitioner stands on an identical footing and is entitled to the same relief on the ground of parity.

4. Per contra, learned State counsel submitted that the Petitioner has been convicted for grave and heinous offences punishable under Sections 302, 392, 120-B, and 201 of the Indian Penal Code, involving serious acts against society, and is undergoing life imprisonment pursuant to a duly affirmed judgment of conviction. The appeal preferred by the Petitioner has already been dismissed by this Court, thereby upholding the findings recorded by the learned trial Court. It is further contended that considering the nature and gravity of the offences, the manner in which they were committed, and their adverse impact on society at large, the case of the Petitioner does not warrant exercise of discretionary relief of remission. The competent authorities, including the District Magistrate and Superintendent of Police, Bemmetara, upon due consideration of all relevant factors, have furnished adverse opinions regarding grant of remission to the



Petitioner. The apprehension expressed by the District Magistrate, to the effect that there exists a likelihood of the Petitioner reverting to criminal activities, cannot be said to be unfounded, as the same is based on local inputs, antecedents, and an overall assessment of the Petitioner's suitability for release. Under Section 432(2) of the Code of Criminal Procedure, such opinions constitute relevant material and have rightly been taken into account by the State Government while rejecting the claim of the Petitioner.

5. It is submitted that grant of remission is neither a matter of right nor automatic upon completion of a particular period of incarceration or on account of good conduct in jail, but is a matter of policy and discretion to be exercised by the State in the larger public interest. In cases involving serious offences such as murder and criminal conspiracy, a stricter standard is required to be applied. The impugned order dated 14.02.2026 has been passed after due application of mind and does not suffer from any illegality, perversity, or arbitrariness warranting interference by this Court. While fairly conceding that in WPCR No.161/2026 filed by co-accused Gopal Ram, this Court has granted the benefit of parole vide order dated 24.03.2026, learned State counsel submits that the said order was rendered in the facts and circumstances of that particular case and would not ipso facto entitle the present Petitioner to claim similar relief as a matter of right, especially in view of the adverse reports and distinguishing factors pertaining to the present Petitioner.



6. We have heard learned counsel for the parties and have carefully perused the pleadings, annexures and the material available on record.
7. The Petitioner stands convicted for offences punishable under Sections 302, 392, 120-B and 201 of the IPC and is in custody since 26.05.2009. It is not in dispute that the Petitioner has completed more than 20 years of incarceration as on 10.06.2025. The material placed on record further reveals that the learned First Additional Sessions Judge, Bemetara, by order dated 21.08.2024, has given a positive “no objection” opinion for grant of remission, and the Superintendent, Central Jail, Durg, has also recommended the case of the Petitioner on the basis of his satisfactory conduct and reformation during incarceration.
8. The rejection of the Petitioner’s claim by the District Magistrate vide order dated 14.02.2026 is primarily founded upon a negative opinion expressing an apprehension of possible future criminal conduct. However, such rejection does not disclose any objective material and appears to be based on mere conjectures and surmises, rather than on cogent or tangible evidence. This Court also takes note of the fact that in WPCR No.161/2026 filed by co-accused Gopal Ram, the benefit of parole has been granted by this Court vide order dated 24.03.2026. However, the said order appears to have been passed in the facts and circumstances peculiar to that case, and the same would not ipso facto entitle the



present Petitioner to claim similar relief as a matter of right, particularly in view of the adverse reports and distinguishing factors pertaining to the present Petitioner.

9. At this juncture, it is apposite to refer to Section 358(7)(viii) of the Chhattisgarh Jail Manual / Chhattisgarh Prison Rules, 1968, which contemplates consideration of premature release of life convicts who have undergone the prescribed period of sentence, subject to assessment of their conduct, reformation, and overall suitability for reintegration into society. The said provision embodies the reformatory approach of penology and mandates that eligible prisoners be considered fairly and objectively. In the present case, the Petitioner satisfies the eligibility criteria inasmuch as he has completed more than the requisite period of incarceration and has maintained good conduct, as also reflected from the recommendation of the jail authorities. The adverse opinion of the District Magistrate, in absence of supporting material, cannot override the statutory scheme and the reformatory intent underlying the said provision.
10. It is well settled that though remission under Section 432 of the Code of Criminal Procedure is discretionary, such discretion must be exercised in a fair, reasonable and non-arbitrary manner. The Hon'ble Supreme Court in ***Laxman Naskar v. State of West Bengal***, reported in **(2000) 7 SCC 626**, has laid down that while considering premature release, authorities must evaluate factors



such as whether the offence affects society at large, the likelihood of recurrence, and the potential for the convict's reformation. Similarly, in ***Epuru Sudhakar v. Government of Andhra Pradesh***, reported in **(2006) 8 SCC 161** it has been held that orders relating to remission are subject to judicial review if they are arbitrary, mala fide, or based on irrelevant considerations. Further, in ***State of Haryana v. Jagdish***, reported in **(2010) 4 SCC 216**, the Hon'ble Supreme Court has emphasized that the benefit of remission policy must be extended in a fair and consistent manner.

11. The philosophy underlying premature release is essentially reformatory and not retributive. Long incarceration, coupled with demonstrable good conduct, positive recommendations from the competent authorities, and absence of any statutory disqualification, entitles a convict to fair, objective and non-arbitrary consideration under the applicable Rules. In the present case, the Petitioner has undergone more than 20 years of incarceration and has earned favorable recommendations from the sentencing Court as well as the jail authorities. Moreover, this Court cannot lose sight of the fact that in the case of co-accused Gopal Ram, this Court has already granted the benefit of parole in WPCR No.161/2026 vide order dated 24.03.2026. Though parity cannot be claimed as a matter of right, the said fact constitutes a relevant circumstance reinforcing the requirement of consistency and fairness in decision-making.



12. Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that the rejection of the Petitioner's claim is founded on mere conjectures and surmises, without any cogent or tangible material. The adverse opinion of the District Magistrate has not been substantiated by objective evidence, whereas the positive opinion of the sentencing Court and the recommendation of the jail authorities have not been accorded due weightage. Such an approach defeats the reformatory object underlying the remission policy and renders the decision-making process arbitrary.
13. In the totality of the circumstances, particularly considering the long period of incarceration undergone by the Petitioner, his satisfactory conduct during custody, the favorable opinions of the competent authorities, and the absence of any statutory embargo, this Court is satisfied that the Petitioner is entitled to the benefit of premature release. The impugned action of the respondent authorities in denying such benefit, based solely on unsubstantiated apprehensions, cannot be sustained and is violative of the mandate of fairness enshrined under Article 14 of the Constitution of India.
14. Consequently, the writ petition deserves to be and is hereby **allowed**. The impugned order dated 14.02.2026 passed by respondent No.2 is quashed and set aside. The Respondents are directed to grant the benefit of remission to the Petitioner and



release him forthwith, if not required in any other case, subject to compliance with usual terms and conditions as may be imposed under the Chhattisgarh Jail Rules, 1968. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu