



2025:CGHC:26028-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 332 of 2025

Krishna Ram S/o Hiranman Bunkar Aged About 26 Years R/o Village Gajadharpur, Police Station- Kusmi, District Balrampur-Ramanujganj, Chhattisgarh.

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary, Home (Police) Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh.

2 - The Collector & District Magistrate Balrampur, District Balrampur-Ramanujganj, Chhattisgarh.

3 - The Superintendent Of Police, Balrampur, District Balrampur-Ramanujganj, Chhattisgarh.

4 - The Station House Officer, Police Station- Kusmi, District Balrampur-Ramanujganj, Chhattisgarh.

...Respondent(s)

(Cause title is taken from CIS)

For Petitioner	:	Mr. Amit Kumar, Advocate.
For Respondents/State	:	Mr. Sangharsh Pandey, G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

20.06.2025

1. Heard Mr. Amit Kumar, learned counsel for the petitioner. Also heard Mr. Sangharsh Pandey, learned Government Advocate, appearing for the respondents/State.
2. The present writ petition has been filed by the petitioner with the following prayers:

“i. The Hon'ble Court may kindly be pleased to set aside the impugned order dated 03.12.2024 (Annexure P/1) and further be pleased to direct the authorities to release the petitioner on parole, in accordance with law.

ii. That any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the cost of the petition may be given.”

3. The petitioner's application for grant of leave (parole) has been rejected by the Collector-cum-District Magistrate, Balrampur, District Balrampur-Ramanujganj (C.G.) vide order dated 03.12.2024 on the recommendation of the concerned Superintendent of Police holding that the petitioner's release is likely to lead quarrel and dispute by the petitioner on the ground that the victim's family had expressed their apprehension

that the petitioner could cause harm to life and property.

4. Learned counsel for the petitioner would submit that the petitioner has been convicted for the offences punishable under Sections 341, 302, 147, 148 and 149 of the Indian Penal Code (IPC), vide judgment dated 10.01.2022 passed by the learned II Additional Sessions Judge, Ramanujganj, District Balrampur-Ramanujganj (C.G.) and the petitioner is languishing in jail since 22.10.2017. He would further submit that the application of the petitioner has been rejected by the office of respondent No. 2 summarily without following the relevant provisions of Rule 4 of the Chhattisgarh Prisoner's Leave Rules 1989 (in brevity 'the Rule, 1989') as well as Rules 6, 9 11 & 12 of the Rules, 1989 and only on the basis of vague apprehension made by the detaining authority that if the petitioner would be released on parole, he would again commit the same crime and would indulge in criminal activities, therefore, the order passed by the District Magistrate is liable to be set aside and the petition deserves to be allowed.

5. On the other hand, learned State counsel supports the impugned order and opposes the prayer made by the learned counsel for the petitioner. He further submits that criminal appeal bearing CRA No. 299 of 2022 filed on behalf of the petitioner had already been dismissed by this Court vide order dated 15.06.2024.

6. We have heard learned counsel for the parties and perused the impugned order and the material available on record.

7. From perusal of the impugned order, it shows that the District Magistrate, Balrampur was swaying with the opinion of the concerned

Superintendent of Police that if the petitioner is released on parole, there is likelihood that he would commit cognizable offence, hence he rejected the application of the petitioner, however, there appears to be no basis for that apprehension which has been raised by the authority concerned.

8. Recently, in the matter of ***Shor v. State of UP*** decided on **05/08/2020** in **WP(Cr.) No. 58/2020**, the Hon'ble Supreme Court has granted the benefit of parole to those whose application was rejected on the ground that the crime is heinous and release of such a person would send a negative message against the justice system in the society.

“... Merely repeating the fact that the crime is heinous and that release of such a person would send a negative message against the justice system in the society are factors de hors Section 2 of the United Provinces Prisoners Release on Prohibition Act, 1938. Conduct in prison has not been referred to at all and the Senior Superintendent of Police and the District Magistrate confirming that the prisoner is not “incapacitated” from committing the crime is not tantamount to stating that he is likely to abstain from crime and lead a peaceable life is released from prison...”

9. In the present case also merely on the basis of the vague report of the concerned Superintendent of Police, without considering the relevant rules, the District Magistrate has rejected the application of the petitioner. In view of the above matter and in view of the decision of the Hon'ble

Supreme Court passed in ***Shor*** (supra), the impugned order passed by the District Magistrate, Balrampur, District Balrampur-Ramanujganj (Annexure P/1) is hereby set aside and the petitioner is directed to be released on parole.

10. Accordingly, the present petition is allowed and the Collector-cum-District Magistrate, Balrampur, District Balrampur-Ramanujganj (C.G.) is directed to verify the surety submitted by the petitioner and issue necessary release order granting leave/parole to the petitioner for 14 days and the petitioner shall surrender before the concerned jail authority on completion of 14 days, at 11.00 a.m. positively. The District Magistrate, while allowing the application for grant of parole to the petitioner, may also seek surety of one family member of the petitioner as provided in Section 4(e) of the Rules, 1989 and may direct the petitioner to mark his presence before the District Magistrate, Bilaspur (C.G.) on each day during that period.

11. In the result, the present petition stands **allowed** with the above observations/directions.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice