



2026:CGHC:4107-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 41 of 2026

Firoz Rizvi S/o Shamim Rizvi Aged About 43 Years R/o Musalman Medical Store Ruhasa, Tahsil- Sardhna, Police Station- Daraula, District- Meerut, U.P. Through- His Nephew - Airaz Rizvi S/o Ahmad Rizvi, Aged About 27 Years R/o Ruhasa, Tahsil- Sardhna Police Station- Daraula, District- Meerut, U.P.

... Petitioner

versus

- 1 - State of Chhattisgarh Through- Its Principal Secretary, Department of Home (Jail) Mahanadi Naya Raipur, Mantralaya, Naya Raipur (C.G.)**
- 2 - The Jail Superintendent Central Jail Raipur District- Raipur (C.G.)**
- 3 - The District Magistrate Meerut District- Meerut (U.P.)**
- 4 - Superintendent of Police Meerut District- Meerut (U.P.)**

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Ms. Deepali Gupta, Advocate
For State/Respondent No.1	:	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

23.01.2026

- 1. Heard Ms. Deepali Gupta, learned counsel for the petitioner as well as Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents.

2. The petitioner has filed this petition with the following relief(s) :-

“10.1 To, call for entire records from respondents pertaining to petitioner's leave case for kind perusal of the Hon'ble High Court.

10.2 To, quash impugned memo dated 21.08.2025 (Annexure P-1) and also to direct respondents to release petitioner on parole under the Chhattisgarh Prisoner's Leave Rule 1989.

10.3 To grant any others relief deemed fit and proper in facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner is a convicted prisoner undergoing sentence under Section 395 IPC and has been continuously lodged in Central Jail, Raipur since 29.01.2004, having thus undergone more than 14 years, 11 months and 29 days of actual imprisonment as on 05.01.2026. In view of the provisions contained in the Chhattisgarh Prisoners' Leave Rules, 1989, the petitioner has not only completed more than the minimum sentence of three years prescribed for eligibility but has also served well beyond half of the substantive sentence, including remissions, as required under the Rules. She further submits that the petitioner fulfills all statutory conditions for grant of leave under Rules 4 and 6 of the Rules, 1989. There is no allegation or material on record to indicate that the petitioner has committed any jail offence, breached prison discipline, or misused

any concession in the past. The petitioner has never been granted leave earlier and, therefore, the question of exceeding the permissible number of leaves in a year or violation of the mandatory intervening period does not arise.

4. It is contended by learned counsel for the petitioner that the object of grant of leave to prisoners is essentially reformatory and rehabilitative, enabling a convict to maintain social and familial ties and to facilitate gradual reintegration into society. Denial of leave is an exception and can be justified only when the competent authority records satisfaction, based on cogent material, that the release of the prisoner is likely to endanger public peace or safety. In the present case, such satisfaction is conspicuously absent. She further submits that the respondent No.3, while exercising powers under Rule 6 of the Rules, 1989, has failed to discharge the statutory obligation cast upon him. The impugned denial of leave is founded solely upon an unsubstantiated police opinion, without any independent application of mind or objective assessment of the petitioner's conduct, antecedents, or the prevailing circumstances. Such mechanical reliance on police recommendations, without recording reasons or satisfaction as mandated by law, renders the decision arbitrary and legally unsustainable. The Rules do not require consent or objection from the complainant or victim's side for grant of leave, and introduction of such extraneous considerations amounts to importing conditions not contemplated

under the statutory framework. The action of the respondents, therefore, suffers from non-application of mind, arbitrariness and colourable exercise of power, directly infringing the petitioner's fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India.

5. Learned counsel places reliance upon the judgment of this Court in ***W.P. (Cr.) No. 318/2021, Birendra @ Bindu v. State of Chhattisgarh & others***, decided on **16.03.2022**, wherein in identical circumstances, this Court was pleased to allow the writ petition and direct consideration/grant of leave, holding that denial based solely on police opinion without demonstrable threat to public safety is impermissible.
6. On the other hand, learned State counsel submits that the petitioner had earlier challenged his conviction by filing Criminal Appeal No. 854/2008, which was dismissed by a Co-ordinate Bench of this Court on 15.05.2017. He further submits that the petitioner thereafter approached the Hon'ble Supreme Court by filing Special Leave Petition (Crl.) Nos. 617–619 of 2018, which came to be dismissed on 20.09.2019, thereby attaining finality of conviction. He further submits that the application for grant of parole/leave of the petitioner has been rejected solely on the basis of a report submitted by the Senior Superintendent of Police, Meerut, which is wholly mechanical, generalized and unsupported by any tangible material. The said report alleges, in a

routine manner, that the petitioner committed the offence voluntarily, is physically fit, economically sound, and is a “notorious criminal” having a tendency to commit offences again, and on such vague assertions, opposes the grant of parole on the apprehension that the petitioner may relapse into criminal activity if released.

7. Learned State counsel submits that the report does not disclose any specific incident, past conduct during incarceration, or objective material to substantiate the allegation that the petitioner poses a threat to public safety. The expressions used in the report such as “*notorious criminal*”, “*tendency to commit crime again*” and “*strong possibility of relapse*” are bald conclusions, unsupported by facts, reasons or independent assessment, and therefore cannot form the legal basis for denial of parole under the Chhattisgarh Prisoners’ Leave Rules, 1989. It is further submitted that the consideration that the petitioner is financially well-off, physically healthy, or socially active is wholly extraneous and irrelevant to the statutory parameters governing grant or refusal of parole. None of these factors find mention under Rules 4 or 6 of the Rules, 1989, which permit denial of leave only when the competent authority is satisfied, on objective grounds, that the prisoner’s release would be fraught with danger to public safety.
8. Lastly, learned State counsel submits that the respondent authority, instead of exercising independent judgment as

mandated under Rule 6, has merely echoed the police opinion without recording its own satisfaction or reasons. Such mechanical endorsement of the police report, without any application of mind, vitiates the decision-making process and renders the rejection order arbitrary, non-speaking and legally unsustainable. It is further submitted that the police report itself suffers from factual inconsistencies, including incorrect reference to names and particulars, which further demonstrates non-application of mind and casual consideration of the petitioner's case. On such infirm and generalized material, the valuable statutory right of the petitioner to be considered for parole could not have been denied. Hence, the rejection of the petitioner's parole application, being founded solely on an unsubstantiated and mechanical police report, is contrary to law, violative of Articles 14 and 21 of the Constitution of India, and deserves to be interfered with by this Court.

9. We have heard learned counsel appearing for the parties and perused the documents annexed with the instant petition.
10. The record would reveal that the petitioner stands convicted for a serious offence under Section 395 of the Indian Penal Code, involving moral turpitude and threat to public order. The conviction of the petitioner has attained finality after dismissal of Criminal Appeal No. 854/2008 by this Court and dismissal of Special Leave Petition (Crl.) Nos. 617–619 of 2018 by the Hon'ble Supreme

Court. The nature and gravity of the offence, therefore, constitute a relevant factor while considering the prayer for grant of parole/leave.

- 11.** It is true that the Chhattisgarh Prisoners' Leave Rules, 1989 contemplate grant of leave to eligible convicted prisoners as a reformatory measure. However, the right to be released on leave is not an absolute or vested right, but is always subject to satisfaction of the competent authority that such release would not be prejudicial to public peace, safety and order, as specifically envisaged under Rule 6 of the Rules, 1989.
- 12.** In the present case, the competent authority has taken into consideration the report submitted by the Senior Superintendent of Police, Meerut, which expresses serious apprehension regarding the petitioner's release. The police report categorically records that the petitioner is a habitual offender and that there exists a likelihood of repetition of criminal activity, which, in the opinion of the authority, may endanger public safety. The satisfaction arrived at by the authority cannot be said to be wholly irrelevant or extraneous to the object sought to be achieved under the Rules.
- 13.** While this Court is conscious of the settled legal position that police opinion cannot be adopted mechanically, it is equally well settled that assessment of threat perception and maintenance of public order primarily fall within the domain of the executive

authorities, who are best equipped to assess ground realities. Unless such satisfaction is shown to be perverse, mala fide or based on no material at all, the writ court would ordinarily refrain from substituting its own opinion in place of that of the competent authority.

14. In the case at hand, the petitioner has failed to demonstrate that the decision-making process suffers from mala fides or that the impugned order has been passed in total disregard of the statutory provisions. The authority has exercised discretion conferred under the Rules, taking into account the relevant inputs available to it, and this Court does not find sufficient grounds to hold that the impugned decision warrants interference in exercise of writ jurisdiction.
15. The reliance placed by learned counsel for the petitioner on the decision of this Court in ***Birendra @ Bindu*** (supra) is distinguishable on facts, as each case relating to grant of parole or leave has to be decided on its own factual matrix, taking into consideration the nature of offence, antecedents of the convict and the assessment of potential threat to public safety.
16. In view of the above discussion, this Court is of the considered opinion that the petitioner has not made out a case for interference with the impugned order passed by the competent authority.
17. Accordingly, the writ petition stands **dismissed**.

- 18.** However, it is observed that dismissal of the present petition shall not preclude the petitioner from submitting a fresh application for grant of parole/leave in accordance with law, which, if filed, shall be considered by the competent authority independently and on its own merits, without being influenced by the present order.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu