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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 94 of 2026

1 - Sanjay @ Sanju Verma S/o Madanlal Verma Aged About 47 Years
Convict No. 7197/33, Presently Lodged In Central Jail, Raipur, District
Raipur C.G.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Home Department,
Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur C.G.

2 - Inspector General Of Prisons, District Raipur C.G.

3 - Superintendent, Central Jail, District Raipur C.G.

4 - Collector And District Magistrate, District Khairagarh-Chhuikhadan-
Gandai, C.G.

5 - Superintendent Of Police, District Khairagarh-Chhuikhadan-Gandai,
C.G.

6 - Thana In Charge P.S. Khairagarh, District Khairagarh-Chhuikhadan-
Gandai, C.G.

... **Respondent(s)**

For Petitioner(s) : Ms. Gayatri Chouhan, Advocate.

For Respondent/State : Mr. Priyank Rathi, Govt. Advocate.

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

Order on Board

Per Ramesh Sinha, Chief Justice

26/02/2026

1. The present writ petition has been filed by the petitioner with the following relief(s):

“(i) Issue a writ of certiorari and set aside order dated 06.08.2025 (Annexure P/1) passed by the District Magistrate, District Khairagarh-Chhuikhadan-Gandai (C.G.)

(ii) Issue a writ of mandamus directing Respondents to release the petitioner for 16 days in accordance with Chhattisgarh Prisoner's leave Rule, 1989;

(iii) Pass any other order the Hon'ble Court may deem fit in the interest of justice.

2. Learned counsel for the petitioner submits that the impugned order dated 06.08.2025 passed by the Collector & District Magistrate rejecting the petitioner's application for parole is arbitrary, mechanical and unsustainable in law. The petitioner is a life convict who has undergone substantial incarceration and has maintained satisfactory conduct throughout his confinement, with

no adverse jail record. His application for parole was duly processed and recommended by the Jail Superintendent after compliance with all procedural requirements under the Chhattisgarh Prisoners' Leave Rules, 1989. However, the competent authority has rejected the application solely on the basis of an adverse police report, without independent application of mind and without considering relevant factors such as long incarceration, good conduct and the object of parole.

3. It is further submitted that the gravity of the offence alone cannot be a valid ground to deny parole, particularly when the Rules themselves contemplate temporary release even for life convicts subject to conditions. Parole is a reformatory and rehabilitative measure intended to maintain family ties and aid reintegration into society. The impugned order does not record any specific apprehension of breach of peace or misuse of liberty, and therefore suffers from arbitrariness and non-application of mind, rendering it violative of Articles 14 and 21 of the Constitution of India and liable to be set aside.
4. Learned State counsel submits that the impugned order dated 06.08.2025 passed by the Collector & District Magistrate, Khairagarh-Chhuikhadan-Gandai is legal, justified and passed after due consideration of the material available on record. The petitioner is a life convict convicted for a grave offence under Section 302 IPC and is undergoing sentence of imprisonment for

life. During consideration of his application under the Chhattisgarh Prisoners' Leave Rules, 1989, a detailed police verification was conducted by the competent authorities. The police authorities, after assessing the local circumstances and the nature of the offence, submitted an adverse report objecting to the grant of parole. The competent authority, being satisfied with the said report and considering the seriousness of the offence and its potential impact on public order and safety, rejected the application. The order reflects due application of mind and cannot be termed mechanical merely because it relies upon the police report, which is a relevant and necessary consideration under the Rules.

5. It is further submitted that grant of parole is not a matter of right but a privilege subject to statutory conditions and satisfaction of the competent authority. The gravity of the offence, antecedents, likelihood of disturbance of public peace, and overall security concerns are valid considerations while deciding such applications. In the present case, the authority has exercised its discretion judiciously in the larger interest of society and public safety. No fundamental right of the petitioner has been violated, and the impugned order does not suffer from arbitrariness or illegality warranting interference under Article 226 of the Constitution of India. Hence, the writ petition deserves to be dismissed.

6. We have heard learned counsel appearing for the parties and perused the documents annexed with the instant petition.
7. Having heard learned counsel for the parties and upon perusal of the material placed on record, we find that the petitioner is undergoing sentence of imprisonment for life upon conviction under Section 302 of the IPC. The rejection of his application for parole is founded upon an adverse police report indicating apprehension of disturbance to public peace and order in the locality concerned. The competent authority has taken into account the nature of the offence, the surrounding circumstances, and the inputs received from the local administration before arriving at its satisfaction. The order dated 06.08.2025 cannot be said to be bereft of reasons or suffering from total non-application of mind so as to warrant interference in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.
8. It is well settled that parole is not a matter of right but a concession or privilege subject to fulfillment of statutory conditions and the satisfaction of the competent authority. In **State of Haryana v. Mohinder Singh**, (2000) 3 SCC 394 the Hon'ble Supreme Court held that release on parole is subject to the discretion of the authority concerned and can be declined where considerations of public order and safety so demand. Similarly, in **Asfaq v. State of Rajasthan** (2017) 15 SCC 55, the Apex Court reiterated that though parole serves a reformatory purpose, the

competent authority is required to balance individual liberty with societal interest and security concerns. It was observed that relevant factors such as nature of offence, conduct of the convict, and likelihood of misuse of liberty must be duly considered.

9. Further, in **Sunil Fulchand Shah v. Union of India**, (2000) 3 SCC 409 the Hon'ble Supreme Court explained the distinction between parole and furlough and emphasized that temporary release is regulated by statutory rules and is not an absolute right flowing from Article 21 of the Constitution. The satisfaction of the authority, based on relevant material including police input, cannot be lightly interfered with unless shown to be arbitrary, mala fide or based on extraneous considerations.
10. Various High Courts have also consistently held that an adverse police report indicating likelihood of breach of peace constitutes a relevant consideration for denial of parole and the Court, in exercise of writ jurisdiction, does not sit in appeal over such administrative satisfaction unless it is demonstrably perverse or unsupported by material.
11. In the present case, the petitioner has not been able to establish that the impugned order suffers from mala fides, non-consideration of relevant material, or consideration of extraneous factors. The authority has relied upon the police verification report, which is a statutorily recognized input under the Chhattisgarh Prisoners' Leave Rules, 1989. Merely because the order concurs

with the adverse report does not render it mechanical. The gravity of the offence coupled with the local assessment regarding potential disturbance to public order constitutes a valid ground for refusal.

12. In view of the aforesaid legal position and upon due consideration of the facts of the case, we are of the considered opinion that no case for interference under Article 226 of the Constitution of India is made out. The writ petition, being devoid of merit, deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice