



2026:CGHC:13120-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 134 of 2026

Shiv Kumar Koshle @ Bablu S/o Lt. Shri Jagdish Prasad Koshle Aged About 40 Years R/o Nayapara Ganesh Nagar, P.S. Sirgitti, District Bilaspur, (Cg), Present Address- Chandni Chowk, Near Durga Mandir, Loco Kholi, Bilaspur, P.S. Sirgitti, District- Bilaspur (Cg)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through- The Secretary, Home (Jail) Department, Mantralaya, Mahanadi Bhawan, Raipur (Cg)

2 - The Director Deneral Prisons And Correctional Services Chhattisgarh, Head Quarter-Prisons And Correctional Services Chhattisgarh, Raipur (Cg)

3 - The District Megistrate Bilaspur (Cg)

4 - The Senior Superintendent Of Police Bilaspur (Cg)

5 - The Jail Superintendent, Central Jail Bilaspur (Cg)

... Respondent(s)

For Petitioner(s) : Mr. Rishi Rahul Soni, Advocate

For Respondent(s) : Mr. S. S. Baghel, Govt. Advocate

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

Per Ramesh Sinha, Chief Justice

19.03.2026

1. Heard Mr. Rishi Rahul Soni, learned counsel for the petitioner as well as Mr. S. S. Baghel, learned Govt. Advocate for the State/ respondent.
2. The present petition filed by the petitioner under Article 226 of Constitution of India, claiming the following reliefs:-

“10.1 The Hon'ble Court may kindly be pleased to call for the entire records pertaining to this case from possession of the respondents for it's kind perusal;

10.2 The Hon'ble Court may kindly be pleased to issue a suitable writ, order or direction and quash the order dated 23.09.2025 (Annexure P/1) passed by the respondent no.3 in Criminal Case No. 29/2025 and the application (Annexure P/3) filed by the petitioner under C.G. Prisoners leave Rule 1989 may kindly be allowed;

10.3 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner.”

3. The subject matter in brief is that the petitioner is an accused in Crime No. 620/2021, registered at P.S. Kodenar, for the offence under Section 302 of IPC for commission of murder of the

deceased Priti Koshle. After the trial of the case before the learned trial Court, the present petitioner has been convicted by the learned 6th Addl. Sessions Judge, Bilaspur, for the offence under Section 302 of IPC vide judgment of conviction and sentence dated 26.11.2024. The petitioner is presently lodged in Central Jail, Bilaspur (C.G.) since 01.11.2021. He preferred Criminal Appeal No. 525/2025 before this Court, which was admitted on 11.06.2025 and is pending for consideration. During the pendency of the appeal, the petitioner applied for grant of 14 days leave under the C.G. Prisoners Leave Rules, 1989 on 06.08.2025, which was initially recommended by the competent authority on 13.08.2025; however, subsequently, the recommendation was not supported by the respondent authorities, and the application was ultimately rejected by the respondent no. 3 vide order dated 23.09.2025, which was later communicated to the concerned authorities on 29.09.2025.

4. Learned counsel for the petitioner would submit that the petitioner is detained in jail from 01.11.2021 which comes to more than 4 years and till date, he has not been granted any leave/ parole by the respondent authorities. As per Rule-5(C) of the Rules, 1989, the petitioner is entitled for leave, however, the authorities have rejected his application for the grant of leave on the ground that objections were raised by the family members of the deceased, it is also apprehended that the accused/ petitioner, if the petitioner would be released on parole, there is every possibility of the

recurrence of an incident with the family members of the deceased. He would further submit that the petitioner is ready to furnish adequate surety as if he is ordered to be released on parole, therefore, the petition may be allowed and he may be granted leave/ parole.

5. On the other hand, learned counsel appearing for the State opposes and submitted that after considering the material available with the District Magistrate, Bilaspur, he has rightly passed the order.
6. We have heard learned counsel for the parties and perused the material annexed with the writ petition.
7. From perusal of the order impugned, it transpires that there was an objection raised by the family members of the deceased that if the petitioner would be released on parole, there is every possibility of the recurrence of an incident with the family members of the deceased.
8. Apart from the consideration of the District Magistrate, Bastar, we noticed the issue involved in WPPIL No. 33/2025 (In the matter of Suo Moto Public Interest Litigation Vs. State of Chhattisgarh & Others), which is pending before this Court. In the said WPPIL No. 33/2025, on being direction made by this Court, the Director General of Police, PHQ, Chhattisgarh, filed his affidavit informing the fact about number of absconding accused persons who have been released on bail. It is necessary to reproduce the relevant part of the affidavit of the Director General of Police, Chhattisgarh,

Raipur, which has been observed in the order dated 08.12.2025 in the WPIL No. 33/2025, which reads as under:-

"4. That, the deponent most humbly and respectfully submits that in order to comply with the order of the Hon'ble Court, the deponent has immediately acted upon the letter of the office of the Advocate General dated 17/10/2025 and in continuation of the same, on 22/10/2025 necessary instructions and directions have immediately been issued to all the Range Inspector General of Polices including the Rail to ensure arrest and entry of 40 prisoners who are still absconding, into the jail by carrying out a special drive in this regard and submit a report about the efforts made for arrest of the accused persons by the concerned Police by 02/12/2025 by enclosing the list of 40 absconding prisoners, who were released on parole, but, have not surrendered and are still absconding so that the order of the Hon'ble Court can be complied with by submitting the information in this regard. To demonstrate this fact, copy of the letter dated 22/10/2025 is filed herewith as Annexure A/3.

5. on That, the deponent most humbly and respectfully submits that taking cognizance of poor performance / efforts / progress in arresting the absconding prisoners, 29/10/2025 a DO letter dated 29/10/2025 has personally been written to all the Range Inspector General of

Polices, Chhattisgarh to carry out a special drive for arresting the remaining absconded accused and further ensure their entry into the jail after their arrest by preparing a working plan in this regard under the supervision of concerned District Superintendent of Polices. To demonstrate this fact, copies of the DO letters dated 29/10/2025 are filed herewith as Annexure A/4 colly.

6. That, the deponent most humbly and respectfully submits that as per the information received from 5 Circle Jails of the State, as on 02/12/2025, 2 absconded prisoners of Circle Jail Ambikapur and Circle Jail Jagdalpur have been arrested out of total 40 prisoners and remaining is 38 in number. To demonstrate this fact, copy of the chart showing arrest of 2 absconded prisoners out of 40 prisoners is being filed herewith as Annexure A/5.

7 That, the deponent respectfully submits that the Police Personnel have made their all sincere and best efforts to arrest the aforesaid 40 absconded prisoners / accused and as a result of which the Police has succeeded in arresting 2 absconded prisoners. It is respectfully submitted that to arrest the remaining 38 absconding prisoners, the continuous efforts are being made by the concerned Police Officials and as soon as the said

accused persons are arrested, they would be produced before the concerned learned Trial Court from where they will be sent to the Jail. That, the deponent most respectfully submits that he has the highest regard and respect for the lawful authority of this Hon'ble Court as well as its orders and directions issued from time to time and is duty bound to adhere to and abide by the orders.”

9. This Court also noticed the increasing number of absconding accused persons who have been either released on parole or bail that once they have been released on bail/parol, they are not surrendering after completion of their period of parole.
10. Therefore, considering the entire facts and circumstances of the case and in view of the aforesaid considerations, we are not inclined to release the petitioner on leave.
11. Consequently, his writ petition is dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice