



2026:CGHC:21311-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 257 of 2026**

Ganesh Bhaskar S/o. Anjordas Bhaskar Aged About 43 Years R/o. Village- Gidhwa, P.S.- Nandghat, District- Bemetara Chhattisgarh. Presently Lodged In Raipur Central Jail Raipur (C.G.) (Since In Jail Through His Wife Vedbai Bhaskar, W/o. Ganesh Bhaskar Aged About 39 Years, R/o. Village Gidhwa, P.S.- Nandghat, District- Bemetara (C.G.)

... Petitioner**versus**

1 - State of Chhattisgarh Through Additional Secretary, Home (Jail) Department, Government of Chhattisgarh, Mahandi Bhawan, Atal Nagar Nawa 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 Raipur, Central Jail Raipur (C.G.)

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

... Respondents

For Petitioner : Ms. Aditi Singhvi, Advocate
For Respondent/State : Dr. Saurabh Kumar Pande,
Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****07.05.2026**

1. Heard Ms. Aditi Singhvi, learned counsel for the petitioner as well as Dr. Saurabh Kumar Pande, learned Deputy Advocate General,



appearing for the State/respondents.

2. The present writ petition has been filed by the petitioner with the following prayers:

“10.1 That, the Hon'ble Court may kindly be pleased quash the order dated 22.03.2026 (Annexure P/1) passed by the respondent authorities and direct the Respondent State to prematurely release the petitioner, in accordance 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. Learned counsel for the petitioner submitted that the petitioner was tried for offences punishable under Sections 302 (two counts) and 307 IPC and vide judgment dated 31.08.2013 passed in Sessions Trial No. 54/2010 by the learned Additional Sessions Judge, Bemetara, District Bemetara (C.G), the petitioner was convicted and sentenced to life imprisonment under Section 302 IPC, 07 years' rigorous imprisonment under Section 307 IPC. The petitioner preferred Criminal Appeal No. 1105/2013 before this Court and this Court vide judgment dated 24.08.2018 dismissed the appeal preferred by the petitioner. Thereafter, the petitioner preferred a Special Leave Petition (Criminal) Diary No. 12529/2021 before the Hon'ble Supreme Court which has been dismissed vide order dated 30.06.2021. She further submitted that the petitioner petitioner is in jail since 02.06.2010 and is presently serving his life imprisonment at Raipur Central Jail and has completed a total of more than 15 years 11 months of actual imprisonment as in April



2026 (more than 20 years imprisonment including remission). After the petitioner become eligible for consideration for premature released under the provisions of CG Prison Rules an opinion was sought from the Presiding Judge. The learned Presiding Judge vide its memo dated 29.06.2024 (sought in the earlier application) has given an opinion that the Learned Court has no objection if the petitioner is granted remission of sentence. Thereafter the petitioner made an application before the Prison Authorities and requested that since he has completed more than 14 years of imprisonment, he may be given the benefit of premature release. Vide letter dated 25.07.2025 the application was sent by the respondent No. 03 to the respondent No. 04 which was to be forwarded to the respondent No. 02. A similar letter was also sent to respondent No. 02 vide letter dated 19.11.2025. She contended that the petitioner has never availed the benefit of parole and that the conduct of the petitioner has been satisfactory in jail, however, the State authorities have vide the impugned order dated 22.03.2026 rejected the application of the petitioner on the ground that the petitioner has committed a heinous offence and had committed murder of two persons and caused injury to one person, and since a negative opinion has been given by the Superintendent of Police concerned and District Magistrate, that his release would give a negative impact on society, the petitioner cannot be pre-maturely released.

4. Learned counsel for the petitioner further submitted that under Rule 358 of the Chhattisgarh Prison Rules, the State Sentence Review Board is required to consider multiple relevant factors, including:



- opinion of the Court,
- report of the Collector and Superintendent of Police, and
- jail record regarding conduct and behavior of the prisoner.

However, the impugned order does not reflect consideration of these mandatory parameters. Learned counsel submits that the petitioner has not even been supplied with the reports of the Collector and Superintendent of Police, thereby depriving him of an effective opportunity and rendering the decision-making process opaque and unfair. It is argued that the authorities have failed to record cogent and logical reasons as required under Rule 358(7), and the rejection is based solely on the seriousness of the offence, which by itself cannot be the sole ground once eligibility criteria are fulfilled. Learned counsel emphasizes that the power under Section 432 Cr.P.C. / corresponding provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 is wide but must be exercised on objective and rational grounds, with proper recording of subjective satisfaction, which is absent in the present case. In view of the above, it is prayed that this Court may quash the impugned order dated 22.03.2026; direct reconsideration of the petitioner's case in accordance with law and Rule 358; and/or pass any other appropriate order in the interest of justice.

5. *Per contra*, learned State counsel submitted that the petitioner stands convicted for a heinous offence i.e. murder of two persons and for causing injury to one person, and since a negative opinion has been given by the Superintendent of Police concerned and District



Magistrate, that his release would give a negative impact on society, the petitioner cannot be pre-maturely released. He further submitted that premature release/remission is not a vested right but a discretionary relief; mere completion of the qualifying period does not entitle the petitioner to release. He further submitted that the the petitioner's case was duly considered by the State Sentence Review Board, and the State Government has passed the impugned order after due application of mind. The authorities have complied with Rule 358 of the Chhattisgarh Prison Rules, 1968, considering relevant factors including nature of offence and reports of district authorities. The gravity of the offence and its societal impact are valid and sufficient grounds for rejection of premature release. The reports of the Collector and Superintendent of Police, though recommendatory, are relevant inputs and have been duly considered. There is no procedural illegality; remission proceedings are administrative in nature and do not require strict adherence to adversarial procedures. The impugned order contains adequate reasoning, and cannot be termed arbitrary merely for being brief. Judicial review in such matters is limited, and no ground is made out for interference. Accordingly, the present petition being devoid of merit deserves to be dismissed.

6. We have heard learned counsel for the parties and have carefully perused the pleadings, annexures and the material available on record.

7. 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.

8. 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.



9. The philosophy underlying premature release is reformatory rather than retributive. Long incarceration coupled with demonstrated good conduct and positive reports from competent authorities entitles a prisoner to objective and fair consideration under the applicable Rules. Once the statutory bar is found inapplicable, and the relevant authorities have not expressed any adverse opinion, denial of premature release on a misconceived interpretation of the Rule amounts to arbitrariness and offends the mandate of Article 14 of the Constitution of India.

10. 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 based on mere conjectures and not on any cogent material. The positive opinion of the sentencing Court and recommendation of the jail authorities have not been assigned due weightage. The impugned order, therefore, cannot be sustained in the eyes of law.

11. Considering his long period of incarceration, satisfactory conduct, favorable opinions of the competent authorities and absence of any statutory embargo, this Court holds that the petitioner is entitled to the benefit of premature release. The action of the respondent authorities in denying such benefit on an erroneous interpretation of the Rule is arbitrary and violative of Article 14 of the Constitution of India, as explained in *E.P. Royappa v. State of Tamil Nadu*, reported in (1974) 4 **SCC 3**.

12. In view of the foregoing discussions, the petition is **allowed** and the impugned order dated 22.03.2026 (Annexure P-1) passed by the competent authority is hereby 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**

Chandra