



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 CRIMINAL WRIT PETITION NO. 839 OF 2026

Munni Parveen Hussain Khan
VERSUS
Deputy Inspector General Of Prison Chhatrapati
Sambhajanagar

Adv. Rupesh Anil Jaiswal for the Petitioner
Mr. P. K. Lakhotiya, APP for State

**CORAM : SANDIPKUMAR C. MORE &
VAISHALI PATIL-JADHAV, JJ.**

DATE : 15.06.2026

PER COURT :

1. Not on board. Taken on Production Board.
2. Heard.
3. Rule. Rule is made returnable forthwith.
4. Heard learned counsel Mr. R. A. Jaiswal as well as learned APP finally at the stage of admission.
5. By way of this petition, the petitioner is seeking quashment of impugned order dated 12.06.2026, whereby husband of petitioner - Hussain Khan S/o Ibrahim Khan, Convict No. 337, at present undergoing his sentence in



open prison at Harsul, Chh. Sambhajinagar, has been denied parole leave for attending marriage of his daughter.

6. Learned counsel for the petitioner submits that earlier petition was filed by the petitioner for deciding the proposal for granting parole leave to her husband but respondent No. 1 belatedly rejected the said application on the ground that there is no such provision of granting fresh parole leave if the earlier application is rejected within six months under Rule 21(9).

7. Learned APP also supports the ground of rejection and submits that in the instant case, the police report in respect of husband of the petitioner is negative and therefore, in absence of any specific provision or rule the petition cannot be allowed. Admittedly, the husband of petitioner appears to have undergone his sentence from almost last seven years and he has also been shifted to open prison. Learned counsel for the petitioner relied on observation of Hon'ble Apex Court in case of **Ashfaq Vs.**

State of Rajasthan; (2017) 15 SCC 55 as under :

“18. The provisions of parole and furlough, thus, provide for a humanistic approach towards those lodged in jails. Main purpose of such provisions is to afford to them an opportunity to solve their personal and family problems and to enable them to maintain their links with society.



Even citizens of this country have a vested interest in preparing offenders for successful re-entry into society. Those who leave prison without strong networks of support, without employment prospects, without a fundamental knowledge of the communities to which they will return, and without resources, stand a significantly higher chance of failure. When offenders revert to criminal activity upon release, they frequently do so because they lack hope of merging into society as accepted citizens. Furloughs or parole can help prepare offenders for success.”

8. Thus he submits that even if there are no specific rules of granting parole to the husband of petitioner at present, but considering the humanistic approach, the convict can be released on parole at least to attend reception of his daughter's marriage, which is going to be held on 16.06.2026. Further as per rule parole leave can be granted for marriage of son or daughter of inmate. Learned counsel for the petitioner submits that even though the convict is not in a position to attend the marriage of his daughter, which is going to be performed today, in the evening, but at least he can attend the reception tomorrow. Admittedly, there is no specific rule of granting parole action after decision of his earlier parole within six months. However, in view of the observation of Hon'ble Apex Court and considering the marriage of daughter of the convict,



which is to be performed today in the evening and that we are of the opinion that convict can be released on parole leave to attend at least the reception of the marriage of his daughter, we pass following order :

ORDER

- (i) The impugned order dated 12.06.2026 passed by respondent No. 1 is set aside and the respondents are directed to release the convict i.e. husband of the petitioner on parole leave from Open Prison at Harsul, Chhatrapati Sambhajanagar, on furnishing personal bond of Rs.10,000/- along with cash security in the like amount.
- (ii) It is made clear that the husband of the petitioner shall surrender himself before respondent Nos. 1 and 2 on 18.06.2026 at 05:00 p.m.
- (iii) The criminal writ petition is thus disposed of.
- (iv) We hope that respondents shall release the husband of petitioner anyhow by tomorrow morning.
- (v) Parties to act upon the authenticated copy of this order duly signed by the Sheristedar of this Court.

**[VAISHALI PATIL-JADHAV]
JUDGE**

**[SANDIPKUMAR C. MORE]
JUDGE**