

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Criminal Writ Petition No. 1881/2026

Bhagirath Ram Alias Bablu S/o Pappu Ram, Aged About 31 Years, R/o Village Ransigaon, Police Station Borunda, District Jodhpur Rural, Through His Wife Sahita W/o Bhagirath Gehlot, R/o Ransigaon, Police Station Borunda, District Jodhpur Rural, Rajasthan.

(Presently Confined In Central Jail, Jodhpur).

-----Petitioner

Versus

1. State Of Rajasthan, Through its Principal Secretary, Home Department, Govt of Rajasthan, Jaipur.
2. Director General of Police (Jail), Govt of Rajasthan, Jaipur.
3. Managing Director (Jail), Govt of Rajasthan, Jaipur.
4. District Collector, Jodhpur.
5. Superintendent of Central Jail, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. B.R. Bishnoi.

For Respondent(s) : Mr. Deepak Choudhary, GA cum AAG
assisted by Mr. Kuldeep Singh.

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

Order

02/07/2026

1. Heard learned counsel for the parties.
2. The present criminal writ petition has been filed against the minutes of the meeting dated 07.10.2025, whereby the case of the petitioner for transfer to the Open Air Camp has been rejected.
3. Learned counsel for the petitioner submits that the controversy involved in the present case is squarely covered by a

judgment dated 28.10.2025 rendered by this Court in the case of **Subhash V/s State of Rajasthan & Ors. (D.B. Criminal Writ Petition No.2823/2025)**, wherein the Hon'ble Court has held as under :-

"8. We have gone through the Rules 3 and 4 of the Rules of 1972. The relevant Rule 3 (d) & (f) of the Rules of 1972 which contemplates ineligibility criteria for admission to the Open Air Camp which reads as follows:-

"3. Ineligibility for admission to open air camp:-
The following classes of prisoners shall ordinarily be not eligible for being sent to Open Camp:-

(a).....

(b).....

(c).....

(d) Prisoners who have been convicted of offences under Sections 121 to 130, 216A, 224, 2125, 231, 232, 303, 311, 328, 333, 376, 377, 383, 392 to 402, 435 to 440, and 460 of the Indian Penal Code (Act XLV of 1860).

(e).....

(f) Prisoners who are habitual with more than two previous convictions of imprisonments to their credit.

(g).....

(h).....

(i).....

(j).....

(k).....

(l).....

(m)....."

9. It is also relevant to refer to Rule 4 which makes the prisoner eligible for admission to open air camp which reads as follows:-

"4. Eligibility for admission to Open Camps:- A prisoner shall be eligible for admission to an Open Air Camp:-

(a) He does not fall within any of the categories specified in Rule 3 above.

(b).....

(c)....."

10. In the present case, the petitioner's case was found to fall under Rule 3(d) of the Rules of 1972, and the Committee constituted under the Rules has considered

the case of the petitioner for sending him to the Open Air Camp and rejected his application only on the ground that the case of the petitioner fell under Rule 3(d) of the Rules of 1972. As per the decision of the co-ordinate Bench of this Court in the case of Sandeep (supra) [referred to hereinabove] has taken the view that the words "shall ordinarily be not eligible for being sent the prisoner to the open air camp" do not absolutely prohibit the entitlement of the prisoners for consideration of the case of the prisoners for admission to the open air camp and each case should be considered and decided in the light of the special circumstances to be made out.

11. The use of the words "ordinarily be not eligible" cannot be construed to be an absolute bar under the Rules of 1972. There may be exceptions. The prisoners, who are making applications for sending them to open air camp, have to make out exceptional circumstances for making themselves eligible for the purpose of open air camp. Therefore, the case of the petitioner has to be considered by the Committee taking into account the special and exceptional circumstances as projected by the petitioner for deviating from the Rules of 1972 and the case of the petitioner has to be accordingly decided.

12. Therefore, we are inclined to allow the present criminal writ petition (parole) by setting aside the impugned minutes of meeting dated 19.03.2025 qua the present petitioner only on the ground that the rejection of the petitioner's case was made on the basis that his case fell under Rule 3(d) of the Rules of 1972 which does not create an absolute bar for consideration of the petitioner's case for admission to the open air camp as per the decision of this Court in the case of Sandeep (supra).

13. In the result, the instant criminal writ petition (parole) is allowed. The impugned minutes of the meeting dated 19.03.2025 are set aside qua the present petitioner and the case of the petitioner for sending him to the Open Air Camp is remitted back to the Committee for re-consideration and decision, if the petitioner makes out any special circumstances for deviating from the general ineligibility criteria contemplated under Rule 3(d) of the Rules of 1972.

14. The said exercise shall be done within a period of one month from the date of submission of a certified copy of this order.

15. With the aforesaid observations and directions, the writ petition is disposed of accordingly."

4. In view of the judgment rendered in the case of **Subhash** (supra), the present criminal writ petition is disposed of and the matter is remanded back to the Committee for reconsideration of the case of the petitioner in the light of the observations made by this Court in the case of **Subhash** (supra).

(CHANDRA SHEKHAR SHARMA),J

(VINIT KUMAR MATHUR),J