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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010125372026

+ **W.P.(CRL) 1025/2026**

BHAN PRATAP @ PRATAP BHAN @, BABLU Petitioner

Through: Appearance not given.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr.AmolSinha, ASC (Criminal) for
State with Mr.KshitizGarg,
Mr.Ashvini Kumar, Mrs. Chavi
Lazarus, Mr.NitishDhawan, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **31.08.2026**

The matter was listed for 27.08.2026 and is taken up today as 27.08.2026 was declared a holiday.

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the BharatiyaNagarikSurakshaSanhita, 2023 (“**BNSS**”)for setting aside order No. F.18/04/2026-HG/478197 dated 05.02.2026 along with Minutes of Sentence Review Board (“**SRB**”) meeting dated 23.12.2025 (“**Impugned Order**”) thereby rejecting the premature release of the petitioner in FIR No.256/2010 under Sections 363/364A/302/201/120B/34 of the Indian Penal Code, 1860 (“**IPC**”) registered at Police Station VikasPuri, Delhi.



2. The petitioner stands convicted under Sections 363/364A/302/201/120B/34 of the Indian Penal Code, 1860 ('IPC') and has been sentenced to undergo rigorous imprisonment for life. He has been in jail since 22.02.2011 and as on date of filing of the updated nominal roll i.e., 22.04.2026, the petitioner had served actual custody of 15 years 1 month 26 day and 17 years 4 months 13 days with remission.

3. In the instant case, the SRB has previously rejected his application for early release on more than 2 occasions. The material portion of the Impugned Order dated 23.12.2025 reads as under:

“(iv) Recommendations:

*In view of the manner of commission of the offence, which involved a high degree of premeditation, planning, and collaboration; the numbers of co-accused involved; the frequency with which the convict was released from jail on interim bail, parole, and furlough; and the present age of the convict, the Board of the considered opinion that the possibility of recidivism cannot be ruled out at this stage. Further, upon an overall assessment of the societal impact of the offence, the likelihood of repetition, the extent of reformation achieved, and the question of whether any useful purpose would be served by premature release, the Board finds the case not fit for premature release. Therefore, the Board unanimously decided to **REJECT** the case for premature release of convict **BhanPratap S/o Late Sh. Kripa Shankar**, at this stage.”*

4. Mr.Sinha, learned counsel for the respondent-State has relied upon the case of **NasirMohdSodozey @ Aftaab Ahmed vs. State of NCT of Delhi**. After **NasirMohd** (supra), the Court has delivered **Ramesh vs. State (NCT of Delhi)** and in **Ramesh** (supra), **NasirMohd**. (supra) has been considered.

5. In **Ramesh (supra)**, after relying upon a catena of decisions culled out the principles which are to apply while adjudicating upon the application of a convict for premature release. A three-fold criterion was set out by the Court, it being—**first**, the propensity of a convict to commit an offence again, which is to be adjudicated on the basis of the convict's jail conduct as



well as his antecedents. Baseless and unsubstantiated apprehension of victims or witnesses is not relevant for determining likelihood to commit a crime after release. The assessment is to be made on the basis of convict's antecedents and conduct while in jail; **second**, the purpose which would be served by the continued confinement of the convict in prison, including whether the convict continues to pose a danger to the society; and **third**, the socio-economic condition of the convict's family arising from his continued incarceration.

6. The Court found the following factors/considerations to be irrelevant for the purposes of adjudicating upon an early/pre-mature release of a given convict—**first**, gravity of the original offence and the length of the sentence imposed are not by themselves relevant; **second**, the fact that “*wrong*” or “*negative*” message would go out to society is not a relevant factor; and **third**, a mere opposition by the police authorities to premature release is irrelevant unless it is supported by cogent material. Premature release also cannot be denied on the sole ground that the police have not recommended release.

7. Importantly, the following, *inter alia*, were considered as material/relevant factors to determine the question of early/premature release of a given convict—**first**, post-conviction conduct of the convict is the principal indicator to assess desirability of premature rule. In the absence of contemporary and cogent evidence to the contrary, sustained good conduct in custody cannot be ignored or discounted; and **second**, where a convict has transitioned through the incarceration process and has, after due consideration, been moved from regular prison to a semi-open prison and thereafter to an open prison, with a good ‘*report card*’ through those stages,



such progression is a critical factor that ought to imbue any assessment of premature release.

8. A perusal of the Impugned Order would indicate that early/pre-mature release has been denied on grounds that no useful purpose would be served and that the possibility of recidivism cannot be ignored. While the order has straightaway arrived at conclusions of “*overall assessment of the societal impact of the offence*”, there are no reasons mentioned to arrive at such a conclusion. Such reasoning is at the teeth of the decision of this Court in **Ramesh** (supra) and resultantly cannot be sustained.

9. Bearing in mind the aforesaid facts and circumstances, the Impugned Order deserves to be set aside and the case of the petitioner deserves to be reconsidered in accordance with the law laid down by this Court in **Ramesh** as well as the observations made hereinabove.

10. Accordingly, the Impugned Order stands set aside, let the petitioner’s application for early/premature release be reconsidered in the forthcoming meeting of the SRB. Thereafter, let the decision be communicated to the petitioner without any delay.

11. With the aforesaid observations, the petition stands disposed of.

12. If the grievance of the petitioner is not mitigated, he shall be at liberty to file a fresh petition.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 31, 2026

ab/ksr