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

CNR No. DLHC010409502026

+ **W.P.(CRL) 2652/2026**

BRIJs BABU @ NANHE

.....Petitioner

Through: **Mr. Siddharth Yadav and Mr. Anmol Kumar Pandey, Advs.**

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Amol Sinha (ASC, Criminal for State) along with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mrs. Chavi Lazarus and Mr. Nitish Dhawan, Advs.**
SI Rajender Singh, PS: Nangloi.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **01.09.2026**

1. The instant petition has been filed for the following reliefs:

“a) Issue a writ in the nature of Mandamus directing the respondent and/or Sentence Review Board (SRB) to consider the case of the petitioner and grant Premature Release to the petitioner in FIR No. 584/2008, U/S 302/34 Indian Penal Code, 1860 [IPC], P.S. Nangloi;

b) Pass such further order(s) as this Hon'ble Court deems fit and proper.”

2. Accordingly, let the case of the petitioner be considered by the respondent – Authority in accordance with law.

3. Even otherwise, the respondent shall consider the case of the petitioner strictly in view of the decision in the case of **Ramesh v. State**



(*NCT of Delhi*),¹. Recently, this Court in *Ramesh v. State (NCT of Delhi)*,² 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.

4. 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.

5. Importantly, the following, *inter alia*, were considered as

¹ 2026:DHC:6455.

² 2026:DHC:6455.



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.

6. Let the case of the petitioner be considered in the forthcoming meeting of the Sentence Review Board and the decision be communicated to the petitioner.

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

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 1, 2026/P