



2026:DHC:7170



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

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*Judgment reserved on: 06.05.2026**Judgment pronounced on: 25.08.2026**Judgment uploaded on: 26.08.2026*+ **W.P.(CRL) 2294/2025 & CRL.M.(BAIL) 1672/2025****RISHI RALLAN**

.....Petitioner

Through: Mr. Chetan Bharadwaj, Ms.
Priyal Bhardwaj and Ms. Swati
Gaur, Advocates
Petitioner-in-person (appeared
through VC from concerned
Jail)

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC
for the State with Mr. Arjit
Sharma and Ms. Sakshi Jha,
Advocates

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The present petition raises a challenge to the decision of the Sentence Review Board [hereafter '**SRB**'] declining to recommend the premature release of the petitioner, Rishi Rallan. This petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of *certiorari* for setting aside the



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decision of the SRB and a consequential direction for premature release of the petitioner in connection with FIR No. 170/2010 registered at Police Station Paharganj, Delhi, for offences punishable under Sections 302, 365, 201, 120-B and 34 of the Indian Penal Code, 1860 [hereafter 'IPC'].

FACTUAL BACKGROUND

2. The petitioner, who is presently lodged in Central Jail No. 2, Tihar, New Delhi, has been serving a sentence of imprisonment for life arising out of the aforesaid FIR. The prosecution case, in brief, was that the petitioner had hired a cab and thereafter murdered its driver for unlawful gain. The petitioner was tried and convicted *vide* judgment dated 13.02.2019 passed by the learned Additional Sessions Judge, Tis Hazari Courts, Delhi. For the offence punishable under Section 302 of IPC, the petitioner was sentenced to imprisonment for life. For the offence punishable under Section 365 of IPC, he was sentenced to rigorous imprisonment for seven years, while for the offence punishable under Section 201 read with Section 120-B of IPC, he was sentenced to rigorous imprisonment for seven years along. All the sentences were directed to run concurrently.

3. The petitioner carried his conviction and sentence in appeal before this Court by way of Criminal Appeal No. 554/2019. The said appeal was dismissed *vide* judgment dated 20.10.2022, whereby the conviction and sentence awarded by the learned Trial Court were



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affirmed. The petitioner thereafter approached the Hon'ble Supreme Court by way of Special Leave Petition (Criminal) No. 7849/2023. The said SLP was dismissed on 03.07.2023, thereby leaving the conviction and sentence undisturbed.

4. The petitioner has, in the meantime, spent a substantial part of his life behind bars. As reflected in the latest Nominal Roll placed on record, he has undergone about 15 years and 11 months of actual incarceration, apart from having earned remission of about 2 years and 3 months. Thus, the petitioner has undergone, in all, about 18 years and 2 months of incarceration, inclusive of remission.

5. It was against this backdrop that the petitioner's case came to be placed before the SRB for consideration of his premature release. The matter was considered by the SRB in its meeting held on 24.04.2025. The Board, *however*, declined to recommend his release, principally taking into account his alleged previous criminal involvements, the circumstances and gravity of the offence, and the opinion of the Chief Probation Officer and Social Welfare Department. The SRB concluded that the possibility of the petitioner reverting to criminal activity could not be ruled out and that his release, at this stage, would not be in the interest of society.

6. The relevant portion of the decision dated 24.04.2025 of the SRB reads as under:

“(iv) Recommendations:

The Board considered the reports received from Police and



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Social Welfare Department and took into account all the facts and circumstances of the case. As per the latest police report dated 23.04.2025, it has been reported that the convict Rishi Rallan S/o Sh. Ram Singh is involved in multiple cases. The details and status of cases are as under:

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Further, the Chief Probation Officer, Social Welfare Department did not support his premature release in the meeting. Considering all the above facts, the circumstances under which the offence was committed for unlawful gain, gravity and perversity of the offence, previous criminal history, multiple convictions, age of the convict, the Board is of the view that propensity of committing crime again cannot be ruled out & it is not a fit case to recommend his release in the interest of the society at large. Therefore, the Board after detailed deliberations unanimously decided to **REJECT** premature release of the convict Rishi Rallan S/o Sh. Ram Singh at this stage.”

SUBMISSIONS BEFORE THE COURT

7. **The learned counsel appearing for the petitioner** argues that the petitioner has already undergone about 15 years and 11 months of actual incarceration and has earned remission of more than two years, and has thus become eligible for consideration of his case for premature release. It is submitted that this Court had itself, *vide* order dated 30.01.2025 passed in *W.P. (Crl.) No. 3373/2024*, had directed the respondents to place the petitioner’s case before the SRB for consideration. It is argued that the material on record demonstrates substantial reformation on the part of the petitioner during his incarceration. The petitioner has pursued his education while in custody, including completion of the BPP Programme from IGNOU



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and the Secondary Course Examination, and has received certificates of recognition and appreciation for his conduct, work and participation in constructive activities in the jail. In particular, the petitioner was entrusted with responsibilities as an IGNOU Sahayak and has also been recognised for his good conduct and participation in an essay competition. It is submitted that these circumstances, taken cumulatively, demonstrate that the petitioner has utilised his incarceration constructively and has substantially reformed himself. It is further submitted that the petitioner's conduct, both within the jail and during periods when he was released on parole or furlough, has remained satisfactory. The petitioner has been granted parole/furlough on several occasions and, on each occasion, has surrendered within the prescribed time without misusing the liberty granted to him. No adverse report or complaint arising from such releases has been brought to the notice of the Court. More importantly, the petitioner has not been involved in any offence after the year 2010. Thus, the conduct of the petitioner over the substantial period following the commission of the present offence is a material circumstance demonstrating that he no longer poses the threat apprehended by the SRB.

8. The learned counsel contends that, notwithstanding the aforesaid material, the SRB has rejected the petitioner's case primarily by referring to his previous criminal history and certain FIRs/cases of the years 2005, 2008, 2009 and 2010. It is pointed out



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that all these cases pre-date, or relate to the period preceding, the present FIR No. 170/2010 and that the petitioner has not been involved in any subsequent offence for more than a decade. The SRB, therefore, could not have treated such antecedents as determinative of the petitioner's present propensity to commit crime, particularly without examining the considerable period of subsequent incarceration and the petitioner's conduct and reformation during that period. The learned counsel further submits that the SRB has completely failed to consider the material placed before it demonstrating the petitioner's reformation. The impugned decision does not advert to his educational achievements, certificates of recognition and appreciation, satisfactory conduct in custody, or his repeated release on parole/furlough without any allegation of misuse. These were relevant and material circumstances which ought to have been considered before arriving at a conclusion regarding the petitioner's present propensity to commit an offence.

9. It is contended that the conclusion recorded by the SRB that the petitioner's "propensity of committing crime again cannot be ruled out" is wholly speculative and unsupported by any objective material. The learned counsel submits that the mere possibility that a convict may reoffend cannot, by itself, constitute a sufficient ground for continued incarceration, particularly where the subsequent conduct of the convict over a long period indicates otherwise. In the present case, there is no material demonstrating any criminal activity



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on the part of the petitioner after 2010; rather, the material reflects satisfactory conduct, educational advancement and constructive engagement during incarceration. It is further argued that the impugned decision does not disclose any meaningful consideration of the aforesaid factors and, therefore, suffers from non-application of mind. The SRB has merely reproduced the adverse aspects of the police report and thereafter recorded the conclusion that the petitioner is not a fit case for release, without identifying any present circumstance which warrants the apprehension that he would revert to criminal activity. The decision, according to the learned counsel, is consequently mechanical, unreasoned and unsustainable in law.

10. In support of his submissions, learned counsel places reliance upon the decisions of the Hon'ble Supreme Court in ***Laxman Naskar v. Union of India***: (2000) 2 SCC 595; ***Sharafat Ali v. State of U.P.***, 2022 SCC OnLine SC 193; ***Rajo @ Rajwa @ Rajendra Mandal v. State of Bihar & Ors.***: 2023 INSC 771; and ***Joseph v. State of Kerala***: W.P. (Crl.) No. 520/2022, as also the recent decisions of this Court in ***Vijay Kumar Shukla v. State (NCT of Delhi)***: 2024:DHC:8738 and ***Harpreet Singh v. State (Govt. of NCT of Delhi)***: W.P. (Crl.) No. 463/2025. On the strength of these decisions, it is submitted that the subsequent conduct, reformation and rehabilitation of a convict are relevant considerations for premature release and that a decision based merely on the gravity of the original offence or stale antecedents, without considering the present conduct



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of the convict, cannot be sustained. It is, therefore, contended that the decision of the SRB dated 24.04.2025 warrants interference and that, in view of the substantial period of incarceration undergone by the petitioner, his satisfactory conduct, repeated release on parole/furlough without misuse, educational and rehabilitative achievements, and the absence of any subsequent criminal involvement, the petitioner deserves the benefit of premature release.

11. **The learned ASC appearing for the State**, on the other hand, opposes the petition and submits that mere eligibility for consideration of premature release does not confer any vested or automatic right upon the petitioner to seek release. It is submitted that, under the Delhi Prison Rules, 2018 [hereafter '**DPR, 2018**'] a convict who has undergone the requisite period of actual incarceration only becomes eligible to have his case considered by the SRB, which retains the discretion to recommend premature release after taking into account the circumstances in which the offence was committed and other relevant factors. It is stated that the petitioner's case was duly placed before the SRB in its meeting held on 24.04.2025 and was considered on the basis of the reports received from the Police Department and the Social Welfare Department. The SRB, upon considering the relevant material, declined to recommend premature release. It is pointed out that the petitioner has been found involved in 17 other criminal cases, the details whereof have been set out in the Status Report dated



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29.08.2025 filed on behalf of the respondents. According to the learned ASC, the petitioner's criminal antecedents, coupled with the circumstances and gravity of the present offence, were relevant considerations for assessing whether he had, in fact, lost his propensity to commit crime. It is further submitted that the offence in the present case involved the murder of a cab driver for unlawful gain and, therefore, the nature and gravity of the offence cannot be completely divorced from the consideration of premature release. The learned ASC submits that the SRB was justified in taking into account the circumstances in which the offence was committed, as contemplated under the applicable provisions of the DPR, 2018.

12. The learned ASC further draws attention to Rule 1251 of the DPR, 2018, which provides that although a prisoner covered by Section 433A of the Code of Criminal Procedure, 1973 becomes eligible for consideration of premature release upon completion of 14 years of actual imprisonment, such completion does not, by itself, entitle the prisoner to automatic release. The SRB is required to exercise its discretion after considering, *inter alia*, whether the convict has lost his potential for committing crime having regard to his overall conduct during incarceration. It is, therefore, submitted that the petitioner cannot contend that the mere fact that he has undergone the requisite period of incarceration entitles him to premature release. It is also submitted that the opinion of the victim, or the victim's family, is a relevant factor which may be taken into



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consideration while determining a case of premature release. The reports placed before the SRB, including those of the Police Department and the Social Welfare Department, were duly considered by the Board before arriving at its decision. It is further contended that the jurisdiction of this Court in matters concerning premature release is limited. The Court is not required to substitute its own opinion for that of the SRB or undertake a fresh assessment of the petitioner's suitability for release. At the highest, if the decision of the SRB is found to suffer from arbitrariness, non-application of mind or consideration of irrelevant factors, the appropriate course would be to set aside the decision and remit the matter to the competent authority for fresh consideration, rather than direct the premature release of the petitioner itself. In support of this submission, learned ASC places reliance upon the decision of the Hon'ble Supreme Court in *Ram Chander v. State of Chhattisgarh & Anr.*: (2022) 12 SCC 52.

13. On these grounds, learned ASC submits that the decision of the SRB dated 24.04.2025 does not warrant interference and that the present petition is liable to be dismissed. In the alternative, it is submitted that, even if this Court finds any infirmity in the decision-making process, the matter may only be remanded to the SRB for fresh consideration and no positive direction for premature release ought to be issued.

14. This Court has **heard** arguments addressed on behalf of the



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petitioner as well as the respondent, and has perused the material placed on record.

ANALYSIS & FINDINGS

15. Before examining the merits of the present case, it would be useful to first set out the legal framework governing premature release of a convict. The concept of premature release is founded on the reformatory theory of punishment, which recognises that the object of incarceration is not merely to punish, but also to reform, rehabilitate and ultimately facilitate the reintegration of a convict into society. At the same time, such an exercise cannot be undertaken in disregard of the larger interests of society. The competent authority is, therefore, required to balance the prospects of reformation and rehabilitation of the convict with the need to ensure that his release does not pose a threat to public safety.

16. The parameters governing consideration of premature release are, *inter alia*, set out in Rule 1251 of the DPR, 2018. The said Rule reads as under:

“1251. Every convicted prisoner whether male or female undergoing sentence of life imprisonment and covered by the provisions of Section 433A Cr.P.C shall be eligible to be considered for premature release from the prison immediately after serving out the sentence of 14 years of actual imprisonment i.e. without the remissions. It is, however, clarified that completion of 14 years in prison by itself would not entitle a convict to automatic release from the prison and the Sentence Review Board shall have the discretion to recommend to release a convict, at an appropriate time in all cases considering the circumstances in which the crime was



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committed and other relevant factors like:-

- a. Whether the convict has lost his potential for committing crime considering his overall conduct in Jail during the 14 year incarceration.
- b. The possibility of reclaiming the convict as a useful member of the society and
- c. Socio-Economic condition of the Convict's family.”

17. A plain reading of Rule 1251 makes two aspects clear. *First*, completion of 14 years of actual incarceration, without taking remission into account, makes a life convict eligible for consideration for premature release. It does not, however, confer an automatic right to release. *Second*, once the case is placed before the SRB, the Board is required to assess the convict on the parameters specifically identified in the Rule. The first and foremost consideration is whether, having regard to his conduct and overall behaviour during incarceration, the convict has lost the potential to commit crime. The Board is also required to consider the possibility of reclaiming him as a useful member of society and the socio-economic circumstances of his family. Thus, the Rule requires an assessment of the convict as he stands today, and not merely an examination of the offence for which he was originally convicted.

18. The aforesaid considerations are further supplemented by Rule 1257 of the DPR, 2018, which prescribes the procedure and guidelines to be followed by the SRB while considering a case for premature release. The relevant portion of Rule 1257(c) reads as under:



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“1257. The Board shall follow the following Procedure and Guidelines while reviewing the cases and making its recommendations to the competent authority

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(c) While considering the case of premature release of a particular prisoner, the Board shall keep in view the general principles of amnesty/ remission of the sentence as laid down by the Government or by Courts as also the earlier precedents in the matter. The paramount consideration before the Sentence Review Board being the welfare of the prisoner and the society at large. The Board shall not ordinarily decline a premature release of a prisoner merely on the ground that the police have not recommended his release. The Board shall take into account the circumstances in which the offence was committed by the prisoner and whether he has the propensity and is likely to commit similar or other offence again.”

19. Rule 1257(c), therefore, clarifies that while the circumstances in which the offence was committed and the likelihood of the convict committing a similar or other offence again are undoubtedly relevant, these considerations cannot be viewed in isolation. The Rule expressly places the welfare of both the prisoner and society at large before the SRB. The assessment must consequently be a meaningful one, taking into account the convict’s conduct during incarceration, his subsequent conduct and the material bearing upon his prospects of rehabilitation. A premature release decision cannot, therefore, be reduced to a mechanical reiteration of the nature or gravity of the original offence, or of an adverse police opinion.

20. This Court may also usefully refer to the principles laid down by the Hon’ble Supreme Court in *Laxman Naskar* (*supra*), wherein the Court identified certain factors, *albeit* not exhaustively, which are



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required to be borne in mind while considering a convict's case for premature release. These include:

- “i. whether the offence affects the society at large;
- ii. the probability of the crime being repeated;
- iii. the potential of the convict to commit crimes in future;
- iv. if any fruitful purpose is being served by keeping the convict in prison; and
- v. the socio-economic condition of the convict's family.”

21. The aforesaid principles have subsequently been reiterated by the Hon'ble Supreme Court in *State of Haryana v. Jagdish*: (2010) 4 SCC 216 and *Bilkil Yakub Rasool v. Union of India*: (2024) 5 SCC 481.

22. The significance of the convict's conduct during incarceration was emphasised by the Hon'ble Supreme Court in *Zahid Hussein v. State of West Bengal*: (2001) 3 SCC 750, wherein it was observed:

“14. We may state here that the jail authority recommended premature release of the writ petitioners. **In our opinion, the conduct of the petitioners while in jail is an important factor to be considered as to whether they have lost their potentiality in committing crime due to long period of detention.** The views of the witnesses who were examined during trial and the people of the locality cannot determine whether the petitioners would be a danger to the locality, if released prematurely. This has to be considered keeping in view the conduct of the petitioners during the period they were undergoing sentence. **Age alone cannot be a factor while considering whether the petitioners still have potentiality of committing crime or not as it will depend on changes in mental attitude during incarceration.**”

(emphasis added)



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23. More recently, in ***Rajo @ Rajwa @ Rajendra Mandal*** (*supra*), the Hon'ble Supreme Court elaborated upon the need for a holistic assessment of a convict's claim for premature release. The Supreme Court recognised that while the nature of the offence and its impact upon society, as well as the possibility of its recurrence, are relevant considerations, they cannot constitute the sole basis for determining whether continued incarceration is warranted. The Supreme Court specifically emphasised that the competent authority must also examine the convict's age, health, familial circumstances, possibility of reintegration, remission earned and, importantly, his post-conviction conduct, including educational qualifications acquired during custody, work or volunteer activities, jail conduct, participation in productive or socially useful activities and his overall development as an individual. The Court further cautioned against an approach where the decision rests entirely upon the report of the police or the opinion of the Presiding Judge. The relevant observations are as under:

“21. Apart from the other considerations (on the nature of the crime, whether it affected the society at large, the chance of its recurrence, etc.), the appropriate government should while considering the potential of the convict to commit crimes in the future, whether there remains any fruitful purpose of continued incarceration, and the socio-economic conditions, review: the convict's age, state of health, familial relationships and possibility of reintegration, extent of earned remission, and the post-conviction conduct including, but not limited to – whether the convict has attained any educational qualification whilst in custody, volunteer services offered, job/work done, jail conduct, whether they were engaged in any socially aimed



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or productive activity, and the overall development as a human being. The Board thus should not entirely rely either on the presiding judge, or the report prepared by the police. In this court's considered view, it would also serve the ends of justice if the appropriate government had the benefit of a report contemporaneously prepared by a qualified psychologist after interacting/interviewing the convict that has applied for premature release. The Bihar Prison Manual, 2012 enables a convict to earn remissions, which are limited to one third of the total sentence imposed. Special remission for good conduct, in addition, is granted by the rules.¹⁹ If a stereotypical approach in denying the benefit of remission, which ultimately results in premature release, is repeatedly adopted, the entire idea of limiting incarceration for long periods (sometimes spanning a third or more of a convict's lifetime and in others, result in an indefinite sentence), would be defeated. This could result in a sense of despair and frustration among inmates, who might consider themselves reformed— but continue to be condemned in prison.”

24. The principles emerging from the aforesaid decisions are, thus, fairly clear. It stands well-settled that the consideration of premature release is not an exercise confined to determining the gravity of the offence or the circumstances in which it was committed. Those factors necessarily form part of the assessment, particularly in cases involving serious offences. However, the inquiry has to travel beyond that, for that the SRB is required to assess whether the passage of time, the experience of incarceration and the conduct of the convict during that period have brought about a meaningful change in the convict's propensity to commit crime. In other words, the relevant question is not only what the convict did in the past, but also what his conduct over the years reveals about the person he has become and the likelihood of his successful reintegration into society.



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25. **In the present case**, the factors which weighed with the SRB in rejecting the petitioner's request for premature release may be broadly summarised as follows: (i) the offence was committed for unlawful gain and was considered to be grave and perverse in nature; (ii) the petitioner had previous criminal involvement and multiple convictions; and (iii) having regard to the petitioner's age, the Board was of the view that the possibility of his committing an offence again could not be ruled out.

26. It is well-settled that the object of punishment in the criminal justice system is not merely retributive, but also reformatory. Where a convict has undergone a substantial period of incarceration, his claim for premature release must necessarily be examined in the context of his conduct and the possibility of his rehabilitation. If premature release is denied solely on the basis of the nature and gravity of the offence, without examining other relevant factors, including the convict's age, health, socio-economic circumstances, family relations, post-conviction conduct and conduct in jail, the reformatory object of the policy itself would be undermined.

27. In *Hari Singh v. State of NCT of Delhi & Ors.*: 2023 SCC OnLine Del 7118, the Coordinate Bench of this Court had observed as under:

“15. It is well established that when the convict has undergone substantial and long period of incarceration, the eventual purpose of imprisonment, in all circumstances, including the most serious offences, is reformatory and not retributive. To



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deny the benefit of remission to a convict, solely on the basis of the nature of crime committed, and without appreciating other parameters including but not limited to the convict's age, health and socio-economic condition and family relations, his post-conviction conduct, jail conduct etc., would not serve the ends of justice. It is of ultimate importance that the societal interest must be balanced with the rights of the convict and resorting to mechanical and clerical approach in dealing with the application of premature release where the convicts have undergone long periods of incarceration which will result in defeating the said purpose.”

(emphasis added)

28. In the present case, the SRB has taken into account the nature of the offence committed by the petitioner, his previous criminal involvement and his age, and on the basis thereof has concluded that the possibility of his committing an offence in the future cannot be ruled out. *However*, a perusal of the minutes of the meeting does not reflect any consideration of the other relevant aspects of the petitioner's case. In particular, there is no discussion regarding his overall conduct during incarceration, the activities undertaken by him while in prison, whether he pursued any educational or vocational courses, his conduct during periods of furlough, parole or interim bail, or the status and outcome of the criminal cases in which he was previously involved, including whether he was convicted or acquitted in those cases. These aspects assume significance as they bear directly upon the question of the petitioner's reformation and his present propensity to commit crime. Yet, the same do not appear to have been considered by the Board.



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29. Significantly, the Nominal Roll on record indicates that the petitioner's conduct during the preceding one year has remained satisfactory. His overall conduct has also been reported to be satisfactory, except for one punishment awarded to him on 10.12.2025, which was in the nature of a warning. Significantly, this incident is subsequent to the passing of the impugned decision of the SRB dated 24.04.2025 and, therefore, could not have formed part of the material considered by the SRB while taking the impugned decision.

30. It is also relevant that the petitioner has been granted furlough on seven occasions during his incarceration. The record does not disclose any instance of misconduct or misuse of liberty during these periods. This aspect of the petitioner's conduct, particularly when viewed over a period of time, is also a relevant circumstance in assessing whether the petitioner has demonstrated reformatory progress and whether the apprehension regarding his propensity to commit crime is borne out by his conduct.

31. It is also pertinent to note that the Premature Release Report dated 14.05.2025, prepared by the Probation Officer, Prison Welfare Services, Tihar Prison Headquarters, Delhi, was placed before and considered by the SRB. The report, *inter alia*, records as under:

“The convict has undergone around 13 years and 10 months including under trial period inside the jail. The Convict availed furlough 3 times and during that time he has not committed any crime. It shows his willingness to comply with the conditions



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of the parole/furlough and that he is not a threat to society.

Upon interaction with him inside the jail, the undersigned was conveyed that he worked as an electrician, learned yoga, and currently giving his service in the IGNOU section for which he has been earning money. This shows that the convict has engaged himself in doing meaningful work.

The convict conveyed his desire that after his release from jail he would do painting and earn his livelihood. This portrays the convict's desire to be useful member of society.

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On the basis of the above-mentioned grounds for consideration, the case appears to **be a fit** case for positive consideration by SRB.”

32. The material placed on record also reflects that the petitioner has, during his incarceration, engaged himself in constructive activities and pursued opportunities for education and self-improvement. He successfully completed the BPP Programme conducted by IGNOU. A Certificate of Recognition dated 26.01.2022 was issued by the Superintendent, Central Jail No. 14, Mandoli, acknowledging his good conduct and supportive role in the smooth functioning of the jail administration on the occasion of Republic Day. Another certificate dated 15.08.2023, issued by the Superintendent, Central Jail No. 2, Tihar, recognises his good work and performance. The record further indicates his participation in various activities undertaken in prison, including essay-writing competitions. In this context, reference may also be made to the decision of the Coordinate Bench in ***Vikram Yadav v. State Govt. of NCT of Delhi***: 2025:DHC:4946, wherein the Court considered the



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relevance of a convict's age, commendation certificates earned by him and conduct during incarceration while examining his propensity to commit crime again. The Court, *inter alia*, observed:

“18. As regards possibility of the petitioner committing crime again, merely because he has not physically attained old age, it cannot be said that there are higher chances of his committing crime again. Bodily strength has no nexus with the propensity to commit crime. **The propensity to commit crime has to be analysed by examining reformatory ascension of the prisoner as reflected from cogent material. The petitioner has filed, with index dated 24.02.2025, six Commendation Certificates issued by the jail and other authorities to him.** Those certificates include Certificates of Appreciation for his good work and performance on the occasions of Republic Day of the years 2021 and 2022; Participation Certificate in the foundation course of yoga science, conducted under the Ministry of Ayush, Government of India; Certificate of Appreciation for hard work and efforts in assisting the jail administration in fight against Covid pandemic; Certificate of learning computer science; and Certificate issued by Gandhi Smriti & Darshan Smriti for participation in painting competition. Speaking specifically about conduct of the petitioner during Covid pandemic, according to the Appreciation Certificate dated 10.02.2021 issued by the jail authorities, the petitioner remained associated in cleaning and timely sanitization of jail, ensuring availability and distribution of face masks, sanitizers, hands wash, clean clothes and other daily utility items amongst other inmates; and assisting the jail administration by way of regular counselling of newly admitted prisoners during Covid pandemic. According to the said Appreciation Certificate dated 10.02.2021, the petitioner had done an extraordinary job in the jail in fight against Corona, due to which the jail administration succeeded in keeping Corona free the jail no.2, even while admitting and quarantining more than 8200 newly admitted prisoners. **These certificates, coupled with the fact that across a period of time, the petitioner was released on parole and furlough more than once show a substantial reformatory growth of the petitioner, which is a vital indicator of reduced propensity to commit crime again. For, it shows a**



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realisation in the petitioner that he can live life of appreciation by staying away from crime.

19. As regards the said Commendation Certificates, I am unable to agree with the contention of learned ASC that the same only make the prisoner eligible for consideration and cannot be a ground to grant premature release. The policy of 2004, extracted above makes it clear that irrespective of such certificates, every convicted prisoner undergoing life sentence has to be considered for premature release after serving sentence of 14 years without remissions. So far as eligibility or entitlement to be considered for premature release is concerned, the only criteria is that the convicted prisoner must be the one facing a life imprisonment sentence, who has served 14 years of actual imprisonment. **The Commendation Certificates, as noted above are guiding tools for SRB in exercise of discretion to grant premature release.”**

(emphasis added)

33. Therefore, a convict's conduct during incarceration and his efforts towards education, work and other constructive activities must be weighed in, as relevant indicators of the extent to which he has progressed towards reformation. To reiterate, the material on record in the present case indicates that the petitioner, being incarcerated for years in the prison, has engaged himself in activities directed towards self-improvement and has acquired skills and education during this period. Such material, in this Court's view, provides some indication that the likelihood of the petitioner reverting to criminal activity upon release may stand considerably reduced.

34. At the same time, the Court has also considered the report dated 15.10.2024 submitted by the Deputy Commissioner of Police, Central District, Darya Ganj, New Delhi. The report records that the



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petitioner had never jumped furlough, but nevertheless recommends that he not be considered for premature release on the apprehension that his release may result in his committing an offence in future. The report also refers to his involvement in more than half a dozen criminal cases and notes his poor financial and social status, observing that his release may expose him to the possibility of again engaging in criminal activity.

35. It is also pertinent to note that one of the principal considerations which weighed with the SRB was the petitioner's involvement in as many as 17 criminal cases. Undoubtedly, involvement of a convict in such a number of cases cannot simply be disregarded, however, the nature and chronology of such cases also needs to be taken into consideration. As borne out from the record, all these FIRs were registered prior to the registration of the present FIR No. 170/2010, i.e. prior to the year 2010. The petitioner stands acquitted in some of those cases, while the remaining cases were settled. In FIR No. 82/2009 and FIR No. 106/2010, the petitioner was sentenced to rigorous imprisonment for three years in each case, and the said sentences have already been undergone by him.

36. Thus, there is presently no criminal case pending against the petitioner. More significantly, all the aforesaid criminal cases relate to a period preceding the registration of the present FIR No. 170/2010. The record does not disclose any subsequent criminal involvement of the petitioner after the year 2010. The fact that, for a



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period of more than 16 years thereafter, the petitioner has not been involved in any further criminal activity is a relevant circumstance while assessing his present propensity to commit crime and the extent of his reformation.

37. Before concluding, it shall be relevant to notice the following observations of the Coordinate Bench in ***Santosh Kumar Singh v. State (Govt. of NCT of Delhi)***: W.P.(CRL.) 1431/2023:

“65. The SRB performs a vital function of deciding whether a convict serving life sentence is entitled to be released prematurely. The decision so made by the SRB has a profound impact on the future of individuals serving life sentences. Such a decision has a direct bearing on the fundamental right to life and personal liberty of a convict. This imposes an obligation upon the SRB to act fairly, reasonably, and in strict accordance with both the applicable policy and transparent reasoning. An executive decision that affects liberty of a person cannot be insulated from judicial scrutiny merely by invoking its policy character.

66. The convicts do not have an enforceable right to be released prematurely. They only have a right to be considered in accordance with the governing policy and legal framework; however, this consideration cannot be reduced merely to a mechanical refusal. Unless every application is ‘meaningfully considered’ and decided through speaking orders, the mechanical decision of the SRB, without referring to relevant factors of determination, would be violative of the principles of natural justice. As held in the case of Vijay Kumar Shukla, administrative convenience cannot be attained at the cost of the right of the prisoners to have their cases meaningfully reviewed as per law. Therefore, the SRB must give cogent reasons in support of their decisions. Although, the law does not require elaborate reasoning but some degree of application of mind must be evident from the order. At the very least, the decision must reflect how inputs, reports and relevant factors were considered by the Board.”



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CONCLUSION

38. In the present case, upon consideration of the material placed on record, this Court is of the view that the petitioner has made out a case warranting reconsideration of his claim for premature release. As already discussed above, as on date, the petitioner has undergone about 15 years and 11 months of actual imprisonment, excluding remission, and has earned remission of about 2 years and 3 months. The record further reflects that his conduct during incarceration has remained satisfactory; he has availed furlough on several occasions without any reported misuse of liberty; he has pursued educational opportunities and participated in constructive activities; and he has received recognition for his work and conduct during incarceration. These circumstances, taken together, indicate meaningful efforts towards self-improvement and rehabilitation and must not be overlooked while assessing his present propensity to commit crime and his prospects of reintegration into society. Consequently, this Court is of the considered view that the decision of the SRB dated 24.04.2025 cannot be sustained in its present form.

39. At the same time, this Court is conscious that the decision regarding premature release lies within the domain of the competent authority and that the Court ought not to substitute its own assessment for that of the SRB, at the first instance. Thus, the appropriate course would be to remit the matter to the SRB for fresh



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consideration, with a direction to examine the petitioner's case in light of the applicable Rules and the principles discussed hereinabove, and to take into account the material relevant to his present conduct and reformation, including the relevant reports, his period of incarceration, jail conduct, conduct during furlough/parole, and his efforts and potential for meaningful social reintegration.

40. The SRB shall undertake the aforesaid exercise objectively and pass a reasoned order, within a period of three months from date, under intimation to the petitioner

41. In view of the above, the decision of the SRB dated 24.04.2025 is set aside and the matter is remitted to the SRB for fresh consideration in accordance with law and in light of the above observations and directions made herein.

42. The present petition along with pending application stands disposed of in the aforesaid terms.

DR. SWARANA KANTA SHARMA, J

AUGUST 25, 2026/vc
T.D.