



\$~4

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

CNR No. DLHC010916722025

+ **W.P.(CRL) 3818/2025**

NANDU

.....Petitioner

Through: Appearance not given.

versus

STATE (NCT OF DELHI) AND ANR

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State.
SI Ramakant PS Sadar Bazar.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

%

25.08.2026

1. The present petition has been filed seeking the following reliefs:

“a) Issue a writ of certiorari or any other writ, order or direction thereby setting aside Order bearing Ref.F.18/43/2025/HG/2975-2976 dated 01.10.2025 accepting the recommendations/minutes of meeting of Sentence Review Board held on 30.07.2025 vide which the pre-mature release of the Petitioner was rejected in most mechanical manner; and

b) Issue writ of mandamus or any other writ, order or direction for premature release the petitioner forthwith.

c) In the alternative, release the Petitioner on bail/parole/furlough etc. till the disposal of the present Petition.

d) Pass such other and further orders/ directions , as may be required in the interest of justice, and is deemed fit and proper in the facts and circumstances of the case.”

2. The petitioner stands convicted under Sections 302/34 of the Indian Penal Code, 1860 (“**IPC**”) and has been sentenced to undergo rigorous imprisonment for life. He has been in jail since 12.05.2010, and as per the



Nominal Roll dated 13.11.2025 has served actual custody of 15 years 12 days and 16 years 5 months 8 days with remission. In terms of the Order bearing No. F-18/5/94/Home (Genl) dated 16.07.2004 issued by the Lieutenant Governor of the NCT of Delhi (“**2004 Guidelines**”), the petitioner is eligible for early release.

3. Learned counsel for the petitioner contends that the Impugned Order whereby the petitioner’s application seeking early/premature release has been rejected, is *de hors* settled principles applicable to adjudicating such an application. He claims that relevant material which ought to have been considered was not looked at by the Sentence Review Board (“**SRB**”). He further contends that he has been granted parole thrice and furlough 5 times. No misconduct was ever reported while the petitioner was out on parole/furlough. Further, the Social Welfare Department, Delhi in its report dated 20.08.2024 had also favourably recommended the petitioner’s case. This ought to have imbued favourable consideration of the petitioner’s application.

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

5. 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.

6. 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.

7. The material portion of the Impugned Order reads as under:

¹ 2026:DHC:6455.



“(iii) Deliberation:

The Board considered the reports received from Social Welfare Departments and took into account all the facts and circumstances of the case under which the offence was committed. As per the report received from the Probation officer, Prison Welfare Services, Mandoli has been submitted in his report that the case does not appears to be a fit case for positive consideration. Considering the manner under which the crime was committed, un-satisfactory jail conduct in view of multiple punishments for violating Delhi Prison Rules, one case also registered against the convict during emergency parole in 2021, non-recommendation by police authorities, shows non-reformative attitude, The Board noted that such desperate crime might shake the confidence of society and possibility of committing crime by such convict cannot be ruled out.

(iv) Recommendation:

*The Board held that it may not be in the interest of the society at large to release such a convict. It was also noted by the Board that the convict is already availing parole and furlough as per rules/law & his connection in the society are rooted. The Board after detailed deliberation and discussion, as out-lined above, unanimously decides to **REJECTS** premature release of convict Rahul S/o Subhash Singh at this stage.”*

8. A perusal of the aforementioned would indicate that early/pre-mature release have been denied on grounds of heinousness of the offence, unsatisfactory jail conduct in view of jail punishment and “*non-reformative attitude*”. The SRB has not averted to, importantly, the following relevant considerations:

- a. The petitioner has been granted parole thrice and furlough 5 times;
- b. No misconduct was ever reported while the petitioner was out on parole/furlough;
- c. The Social Welfare Department, Delhi in its report dated 20.08.2024 had also favourably recommended the petitioner’s case;
- d. The petitioner has a wife who is diabetic; and



e. This ought to have imbued favourable consideration of the petitioner's application.

9. The approach of the SRB and the decision arrived at is found to be at the teeth of the decision of this Court in **Ramesh** (supra) and resultantly cannot be sustained.

10. 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.

11. 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.

12. It is clarified that the decision to be taken by the SRB must be in accordance with the principles laid by this Court in **Ramesh** as well as the observations made hereinabove. Any deviation from it, including providing reasons on irrelevant considerations of the kind detailed above, shall be taken serious note of.

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

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

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 25, 2026

ab