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

CNR No. DLHC010944362025

+ **W.P.(CRL) 3912/2025 & CRL.M.(BAIL) 2355/2025**

MOHD. SAYEED

.....Petitioner

Through: **Ms. Priyal Bhardwaj & Mr. Chetan Bhardwaj, Advs.**

versus

STATE GNCT OF DELHI

.....Respondent

Through: **Mr.Amol Sinha, ASC for State.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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25.08.2026

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

“a) Issue the Writ in the nature of certiorari or any other appropriate writ, order or direction and set-aside the Minutes of Meetings dated 30.08.2024 and 18.09.2024 passed by the Sentence Review Board at Item No. 126.;

b) Issue the Writ in the nature of mandamus and direct the Respondent to release the Petitioner in FIR No. 658/1994 U/s 364/364A/365/384/34 IPC R/w 120B/121/122/124A IPC & Section 3(2)(1) TADA Act PS. Connaught Place;

c) Pass such other or further order/orders as this Hon'ble Court may deem fit in the larger interest of justice.”

2. The petitioner stands convicted under Sections 364/364-A/365/384/34/120B/121/122/124A of the Indian Penal Code, 1860 (“**IPC**”) and Section 3(2)(1) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (“**TADA Act**”) and has been sentenced to undergo rigorous imprisonment for life. He has been in jail since 07.12.1994 and as per the Nominal Roll dated 30.07.2026 has served actual custody of 30 years 3



months and 28 days and 32 years 28 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 appearing for the petitioner submits that the petitioner’s case has been placed before the Sentence Review Board (“**SRB**”) 10 times since 2015 and on each occasion it has been rejected in a mechanical manner and on the identical ground of heinousness of the offence and the alleged non-reformative attitude of the petitioner. She further submits that the SRB decisions do not reflect on what material the conclusion of the petitioner’s non-reformative nature has been arrived at. She further submits that the petitioner has been granted paroles 20 times and only jumped it once owing to two days of late surrender.

4. Per contra, Mr. Sinha, learned counsel for the State submits the impugned order warrants no interference. He submits that all material has been considered in the right perspective. He places reliance on a decision of this Court in *Nasir Mohd Sodozey @ Aftaab Ahmed vs. State of NCT of Delhi*.¹

5. Recently, this Court in *Ramesh v. State (NCT of Delhi)*,² after relying upon a catena of decisions, including *Nasir Mohd Sodozey @ Aftaab Ahmed* (supra), 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

¹ Judgment dated 21.08.2025 in W.P.(CRL) 3756/2023, Delhi High Court.

² 2026:DHC:6455.



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. In the instant case, the petitioner has contended that the SRB has previously rejected his application on 10 earlier occasions. The material portion of the Impugned Order reads as under:

“Conclusion:

The Board considered the reports received from Police and Social Welfare Departments and took into account all the facts and circumstances of the case under which the crime was committed. The convict had committed crime in furtherance of a terrorist act (kidnapped 04 Foreign Nationals to build pressure over Indian Government to release dreaded militants from jails). Considering the nature, gravity and perversity of crime, crime against the nation, un-satisfactory jail conduct in view of jail punishment, non-reformative attitude etc., the Board is of the view that the nation has suffered a lot due to terrorism. The present case is undisputedly a case of terror and therefore, the board felt that such an incident shakes the conscience of our society and if the convict is released prematurely it will send a wrong signal to the public & society. Thus, the Board after discussion at length unanimously REJECTS premature release of convict Mohd. Sayed @ Mohd. Saeed Sb Sh. Abdul Rashid at this stage.”

9. 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 etc.*” The SRB has not averted to, importantly, the following relevant considerations:

- a. The petitioner being granted parole 20 times;
- b. The petitioner being a Factory Sahayak
- c. The petitioner being awarded ‘Certificate of Appreciation’ on 01.10.2008 by Geeta Pravachan Amrit Mahotsav Essay Writing Competition and received First prize; ‘Certificate of Achievement’ on 11.10.2010 for securing Second position in competition organized by Gandhi Hindustani Sahitya Sabha,



New Delhi; 'Certificate of Recognition' on 30.10.2010, 26.01.2013 in appreciation of good work in Weaving Unit; and 'Certificate of Recognition' on 15.08.2013 in appreciation of excellent work on the occasion of Independence day.

2. 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.
3. 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.
4. 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.
5. 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.
6. With the aforesaid observations, the petition stands disposed of.
7. If the grievance of the petitioner is not mitigated, he shall be at liberty to file a fresh petition.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 25, 2026/ab/aks