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

+ **W.P.(CRL) 2165/2025**

RESHAM SINGH

.....Petitioner

Through: Mr. Shreeyansh U Lalit and Ms.
Madhu Rani, Adv.

versus

STATE (GOVT OF NCT OF DELHI))

.....Respondent

Through: Mr. Amol Sinha, ASC with Mr.
Kshitiz Garg and Mr. Ashvini Kumar
and Mr. Nitish Dhawan, Advs.
SI Sushil Rawat, P.S.Kalkaji.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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16.07.2025

**CRL.M.A. 20202/2025 EXEMPTION CRL.M.A. 20203/2025 &
CRL.M.A. 20204/2025 EXEMPTION**

Allowed, subject to all just exceptions.

The applications stand disposed of.

**W.P.(CRL) 2165/2025 & CRL.M.A. 20201/2025 EXEMPTION FROM
SURRENDERING**

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Cr.P. C / Section 528 of the BNSS, 2023, seeking appropriate orders/directions for premature release of the petitioner under clause 3.4 of the Remission Policy dated 16.07.2004 in FIR No. 1499/1979, under Sections 302/394/34 IPC, P.S. Kalkaji.



2. Learned counsel for the petitioner submits that the petitioner, who is more than 80 years of age, suffers from multiple age-related ailments and has already undergone over 13 years of actual incarceration. It is contended that the petitioner qualifies for premature release under Clause 3.4 of the Remission Policy dated 16.07.2004, which allows for such release on grounds of old age or terminal illness, even before completion of 14 years. It is further submitted that inspite being eligible, the Sentence Review Board (SRB) has never considered the petitioner's case, which amounts to a violation of his fundamental rights under Articles 14 and 21 of the Constitution.

3. Furthermore, it is submitted that the petitioner maintains an impeccable record in jail and has been granted parole and furlough on multiple occasions without ever misusing such liberty. The petitioner's case, therefore, warrants compassionate and legal consideration in accordance with the principles of reformation and rehabilitation.

4. Reliance has been placed upon ***Court on its Own Motion reg. Maya Devi v. Union of India***, WP (Crl.) 115/2005, where the Court *takes suo moto* cognizance of inhuman and prolonged incarceration of convicts beyond their sentence or trial pendency. Reliance is also placed on ***Mehmood Topiwala v. State (NCT of Delhi)***, WP (Crl.) 858/2019, wherein this Court, in a similar case involving a prayer for premature release, granted interim protection by staying the petitioner's surrender, which continues to remain in force till date. The petitioner also placed reliance on ***Rashidul Jafar @ Chota v. State of Uttar Pradesh***, WP (Crl.) 336/2019, wherein the Supreme Court directed the State to consider



premature release in accordance with the most liberal policy available. It has been submitted that the petitioner's case falls squarely within the same category and deserves the benefit of these settled legal principles.

5. It is further submitted that continued incarceration of the petitioner, despite his old age and excellent conduct, is unjust and unconstitutional. It has been emphasized that the petitioner maintains strong family ties and poses no threat to society, thereby fulfilling the criteria for reintegration. In these circumstances, the petitioner prays for appropriate directions to be issued to the Sentence Review Board for urgent consideration of his case in accordance with the applicable policy and constitutional principles.

6. Issue notice. Learned ASC appearing on behalf of the State accepts notice and submits that he has no objection if the directions be issued to Sentence Review Board to take up the case of the petitioner for premature release for consideration in its next meeting.

7. Having considered the submissions advanced by learned counsel for the petitioner, the statement made by the learned ASC for the State, and without expressing any opinion on the merits of entitlement of petition, as well as the materials placed on record, the present writ petition is disposed of with direction to the Sentence Review Board to take up the case of the petitioner for consideration for premature release under Clause 3.4 of the Remission Policy dated 16.07.2004, in its next meeting and take decision independently in terms of the policy.

8. A copy of this order be sent to the Jail Superintendent and the Secretary, Sentence Review Board, for necessary compliance.



9. The petition stands disposed of in the above terms.

RAVINDER DUDEJA, J

JULY 16, 2025/NA