



2026:DHC:8057



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010914362025
+ **W.P.(CRL) 3804/2025**

Date of Decision: **17.09.2026****IN THE MATTER OF:**

RAVI

.....Petitioner

Through: Mr. Nitin Saluja, Ms. Ishita Soni and
Ms. Raksha Tripathy, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Crl) for State
with Mr. Sangeet Sibou, Advocate.
SI Ranjana, PS Subzi Mandi.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The instant petition is for the following reliefs:-

“a. issue a writ of certiorari or any other appropriate writ, order or direction thereby setting aside the rejection order No.F.18/102/2003/2024-11/HG/3026-27 dated 04.12.2024] rejecting the request of premature release of the petitioner by accepting the recommendation/minutes of meeting of SRB held on dated 30th August 2024 & 18th September 2024;

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



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2. The petitioner stands convicted under Sections 302/120-B/34 of the Indian Penal Code, 1860 (**‘IPC’**) and has been sentenced to undergo rigorous imprisonment for life. He has been in jail since 2008 and as on 18.02.2026, the petitioner had served actual custody of 16 years 4 months and in actual 20 years 11 months and 21 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 has been passed *de hors* principles which ought to apply while adjudicating the petitioner’s application seeking early/pre-mature release. He states that the petitioner has been granted Parole 06 times and furlough 21 times which ought to be imbue favourable consideration.

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:

“The Board considered the reports received from Police and Social Welfare Departments and took into account all the facts and circumstances of the case. The convict had committed murder of a person during quarrel by bullet shots. Considering the gravity of the offence,

¹ 2026:DHC:6455.



fact of arresting during emergency parole in 2020 in another case, non-reformative attitude, age of the convict and possibility of committing crime again etc., the Board felt that it may not be In the interest of the society at large to release such a convict. The Board after discussion at length unanimously REJECTS premature release of convict Ravi S/o Sh. Jagdish at this stage.”

8. A perusal of the aforementioned would indicate that early/pre-mature release have been denied after taking into account “*all the facts and circumstances of the case*” on the grounds of gravity of the offence, the possibility of committing crime again and the alleged non-reformative attitude. A perusal of the Impugned Order nowhere indicates the reasoning adopted by the SRB to arrive at its inferences and conclusions. Such an approach and reasoning is at the teeth of the decision of this Court in **Ramesh** (supra) and resultantly cannot be sustained.

9. Importantly, it may also be noted that the overall and immediate jail conduct of the petitioner has been found to be satisfactory.

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



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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)
JUDGE

SEPTEMBER 17, 2026
Nc/ Rao