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

CNR No. DLHC010459202025

+ **W.P.(CRL) 2200/2025**

RANA PRATAP SINGH

.....Petitioner

Through: Mr. Dayan Krishnan, Sr. Adv. with
Ms. Vrinda Bhandari, Mr. Shreedhar
Kale and Ms. Nitya Jain, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Ishkaran Singh Bhandari, CGSC
with Mr. Piyush Yadav, Adv. with
Mr. Ratan Prakash, G.P.
Mr. Anand V. Khatri, Addl. Standing
Counsel for State.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **20.08.2026**

1. The petitioner in the instant petition seeks the following reliefs:

“a) Issue a writ of certiorari or any other writ, order or directions thereby setting aside order bearing No. Ref. No. 03/187/2009/CLO-BSF/130-32 Dated 14.02.2025 passed by the Directorate General, Border Security Force, Law Directorate: Law Branch, Rejecting the Pre-Mature Release of the Present Petitioner.”

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

2. The Petitioner stands convicted under Section 302 of the Indian Penal Code, 1860 [**IPC**] read with Section 46/16(b) and 40 of the Border Security Force Act, 1968 [**BSF ACT**] and has been sentenced to undergo of rigorous imprisonment for life. He has been in jail since 06.02.2009 and



as on the date of filing of status report i.e., 28.07.2026 he has undergone imprisonment of approx. 17 years 2 months 24 days and with remission of 21 years 08 months 08 days. It is pointed out that Rule 1189 of the Delhi Prison Rules, 2018 provides for inclusion or remission while considering the case of life convict for pre-mature release.

3. It is contended that by Mr. Dayan Krishnan, learned senior counsel that the involvement in other cases should not be the sole factor to disentitle the petitioner from fair consideration under Rule 128 of the BSF Act. It is explained that the petitioner has been acquitted in FIR no.1007/2021 and the petitioner has no information of FIR 175/2023. According to him, even the State does not have any information regarding FIR 175//2023 as has been noted by this Court in the order dated 26.08.2025 in writ petition 511/2025. For the conviction under Section 29 of the BSF Act, the petitioner submits that he has been sentenced only for a period of 42 days. Rigorous imprisonment, as per Mr. Krishnan, has already been completed.

4. Mr. Krishnan submits that the petitioner has made out a case for pre-mature release in accordance with principle laid down in the **Ramesh vs. State (NCT of Delhi) & Anr.**¹, paras. 53 to 54 of which have been pressed into service.

5. Mr. Krishnan has also explained that the possession of currency note and the punishment ticket that has been set aside and similarly, the possession of prohibited items punishment ticket dated 28.08.2016 has also been held to not be an impediment for seeking parole or furlough. Therefore, even the same should not be the reason to disentitle the petitioner.

¹ 2026:DHC:6455



6. Even otherwise, it is contended that those punishments are more than one decade old. The respondent-authority must consider the overall conduct of the petitioner as has been held in the case of **Ramesh**.

7. Recently, this Court in **Ramesh v. State (NCT of Delhi)**,² 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.

8. 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.



9. 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.

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

“3. The application of the Petitioner seeking premature release has been examined in the light of report received from the jail and police authorities. Reports of the police authorities has consistently been that petitioner is a notorious criminal and he has been found involved in number of cases. The details forwarded by the police authorities shows that he is involved in two other cases i.e. FIR No. 1007 /2020, U / s 354 IPC and 10 POCSO Act filed at PS :Chhawla and FIR No. 175/ 2003, U/s 341,323 and 354 IPC filed at Police Station :- Najafgarh. The police report mentions that the Petitioner is threat to society and has recommended not be released prematurely. Similarly, even the conduct of the petitioner inside jail is unsatisfactory in view of various punishments given to him for offending the jail manual, keeping prohibited items, beating fellow inmates and misbehaving duty doctor.

4. It is also relevant to mention that the petitioner has been submitting request for parole repeatedly and his request for parole has also been turned down on merits considering the adverse reports against him from police and jail authorities.

5. The Director General, BSF, being the Competent Authority under Section 128 of the BSF Act, 1968, has considered the petition of the Petitioner seeking premature release from the Jail. The Director General has found that there is no merit found in the request of the Petitioner for premature release and thus same cannot be acceded to. The Director General, has,

² 2026:DHC:6455.



thus rejected the request of the Petitioner on merit.”

11. A perusal of the aforementioned would indicate that premature release has been denied on the ground that the police and jail authorities have raised objections against the petitioner on account of his previous criminal history and unsatisfactory jail conduct, as also on the ground that his repeated parole requests have been rejected and the request for premature release has been declined by the Competent Authority without assigning independent reasons. Such reasoning is at the teeth of the decision of this Court in **Ramesh** (supra) and resultantly cannot be sustained.

12. 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.

13. Accordingly, the Impugned Order stands set aside, let the petitioner's application for early/premature release be reconsidered within a period of 3 months from the date of receipt of a copy of the order passed today. Thereafter, let the decision be communicated to the petitioner without any delay.

14. 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 note serious note of.

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

16. If the grievance of the petitioner is not mitigated, he shall be at liberty



to file a fresh petition.

AUGUST 19, 2026/P

PURUSHAINDRA KUMAR KAURAV, J