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

CNR No. DLHC010970152025

+ **W.P.(CRL) 4012/2025**

MOHD SALAUDDIN

.....Petitioner

Through: Mr. Anuj Kapoor, Mr. Nandeesh Nanda and Ms. Asra Rashid Hamid, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Alok Sharma and Ms. Pavitra Dixit, Adv. for Mr. Yasir Rauf Ansari, ASC for the State.
SI Arvind Barak, PS: Shahdara.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **19.08.2026**

1. The present 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. 18/69/2 024/HG/3 81-82, dated 13.02.2025 as passed by the Respondent by accepting the recommendation /minutes of meeting of SRB held on dated 10.12.2024 and rejecting the premature release of the Petitioner; and
b. issue writ of mandamus or any other writ, order or direction for premature release the petitioner forthwith”*

2. The petitioner stands convicted under Sections 376 and 506 of the Indian Penal Code, 1860 (**‘IPC’**) for rigorous imprisonment for life and fine.



The petition states that the petitioner has already undergone around 16 years and 6 months of actual sentence and more than 20 years of sentence 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 submits that the Impugned Order rejecting early/premature release is patently illegal and erroneous. He contends that the petitioner has been granted parole 3 times and furlough more than 17 times, which warrants a favorable 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 Impugned Order reads as under:

“The Board considered the reports received from Police and Social Welfare Departments for premature release of convict and took into account all the facts of the case. The convict had committed rape upon his own daughter, such a crime is unforgivable, Considering the gravity, heinousness and perversity of the crime, it was felt by the Board that such a convict cannot be trust worthy and left freely open in the society. Further objection by police & social welfare Departments indicates that the conduct of the convict in jail is not necessarily a barometer of what he may do if outside prison & thus the same could not be considered a sole factor for recommending the premature release. The Board also noted that such a desperate crime shakes the confidence of the society and possibility of

¹ 2026:DHC:6455.



committing crime by such a convict cannot be ruled out. Further, it has also been observed that the Supreme Court of India vide order dated 01.10.2024 vacated the interim relief i.e. exemption of surrender granted to the convict @ thereby he had to surrender on 01.10.2024, whereas the convict surrendered on 11.10.2024. The Board held that it may not be in the interest of society at large to release such convict. The Board after due deliberations unanimously recommended REJECTION of premature release of convict Mohd. Salauddin S/o. Mohd. Khalil at this stage.”

8. A perusal of the Impugned Order would reveal that the premature/early release application of the petitioner has been rejected, primarily on the grounds of heinousness of the offence and the purported message which would be sent by releasing such a convict from jail. Such 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 there are no criminal antecedents of the petitioner and even the 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. In the peculiar facts and circumstances of the case the punishment dated 17.10.2024 imposed by the petitioner owing to a late surrender for 10 days stands waived. The decision shall be reached by the SRB without being



affected by the aforesaid punishment ticket.

13. 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.

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

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

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 19, 2026/P/ksr