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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010740632025
+ **W.P.(CRL) 3189/2025**
JAGDISH Petitioner

Through: Ms. Priyal Bhardwaj, Advocate (VC)

versus

STATE GNCT OF DELHI Respondent

Through: Mr. Abhijeet Kumar, Advocate along
with SI Shivam.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **01.09.2026**

1. By way of the present petition under Article 226 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the petitioner seeks quashing of Punishment Ticket No. 660 dated 07.12.2024 issued by the Superintendent, Central Jail No. 14, Mandoli, Delhi.

2. Counsel for the petitioner submits that the petitioner, being an illiterate person, was not aware of the exact date on which he was required to surrender, and remained under a *bona fide* belief that the period of his release had been extended, having been informed by the jail officials that he would be intimated as and when he was required to surrender. It is submitted that the failure to surrender was neither deliberate nor intentional, and that no offence was committed by the petitioner during the period of his



overstay. It is further submitted that the impugned punishment ticket was issued in breach of the procedural safeguards prescribed by Rules 1272 and 1273 of the Delhi Prison Rules, 2018, (Prison Rules) inasmuch as it was placed for judicial appraisal only on 31.01.2025, after a delay of about 55 days.

3. The petitioner is a convict in case FIR No. 623/2014, registered at Police Station Karol Bagh, for offences punishable under Sections 326A/326B of the Indian Penal Code, 1860, and is presently lodged in Central Jail No. 14, Mandoli, Delhi. He was released on parole for a period of eight weeks on 15.06.2021, which came to be extended from time to time on account of the COVID-19 pandemic. Pursuant to an order of the Supreme Court dated 24.03.2023, the petitioner was required to surrender within fifteen days. He failed to comply, and came to be re-arrested on 07.12.2024. Upon his re-arrest, the impugned punishment ticket no. 660 dated 07.12.2024 was issued against him, on the ground that he had jumped parole, whereby his canteen facility was stopped for a period of fifteen days; the said punishment was thereafter placed before the Inspecting Judge and was judicially appraised on 31.01.2025.

4. It is well settled that a prisoner does not cease to be the bearer of fundamental rights upon his incarceration, and that the exercise of disciplinary power over a prisoner is not immune from judicial scrutiny. In **Sunil Batra (II) v. Delhi Administration**,¹ the Supreme Court held that the treatment of a prisoner, and the imposition of prison punishments upon him, must conform to the requirements of fair procedure and are amenable to judicial review.

¹ (1980) 3 SCC 488.



5. This Court has previously set aside punishment tickets awarded to convicts for a failure to surrender during the COVID-19 pandemic, having regard both to the genuine confusion that then prevailed regarding surrender dates and to the non-observance of the mandatory procedural safeguards prescribed by the Prison Rules. For reference, in **Mukesh v. State (NCT of Delhi)**,² this Court set aside the punishment ticket awarded to the convict for a 21-day late surrender following the expiration of his COVID-19 emergency parole, holding that the jail authorities failed to follow the mandatory procedural safeguards, such as issuing a written showcase notice and conducting an inquiry as prescribed under Rules 1272 and 1273 of the Prison Rules. Similarly, in **Vikram Pal v. State (NCT of Delhi)**,³ this Court set aside punishment tickets on the ground that the punishment had not been placed for judicial appraisal within the time stipulated by Rules 1272 and 1273 of the Prison Rules, and that the explanation tendered for the delay in surrender was plausible.

6. Considering the aforesaid, in the present case the failure of the petitioner to surrender is attributable to the confusion that prevailed regarding surrender dates during the COVID-19 pandemic, and there is nothing on record to suggest that the overstay was deliberate, or that any offence was committed by the petitioner during that period. On a parity with the view previously taken by this Court, and having regard also to the belated judicial appraisal of the impugned punishment ticket, the Court is of the view that the impugned punishment ticket cannot be sustained.

7. In view of the aforesaid, Punishment Ticket No. 660 dated 07.12.2024

²2024 SCC OnLine Del 1920, para 17-18, 22.

³2024 SCC OnLine Del 3887, para 12.



is set aside.

8. The petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 1, 2026

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