

\$~30

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

+ **W.P.(CRL) 2249/2019**

GULSHAN

..... Petitioner

Through Ms Neha Kapoor, Advocate with Ms
Mohit Bhadu, Mr Anamika Dey, Advocates.

versus

STATE

..... Respondent

Through Ms Nandita Rao, Advocate with
Mr Rahul Mehra, ASC Crl.
SI VijayKumar, P.S. Prashant Vihar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

07.02.2020

1. The petitioner has filed the present petition, *inter alia*, impugning a punishment ticket dated 05.02.2017, whereby the petitioner was punished by suspending the petitioner's *mulakat* rights for two weeks.
2. A status report has been filed which indicates that on 05.02.2017, the following prohibited items were recovered from Ward No.1, Central Jail No.3.: (i) loose tobacco, (ii) 01 pocket calculator, (iii) 01 waist belt, (iv) 01 wrist watch, (v) 07 nails, (vi) 01 hearing aid and (vii) 02 hand-made exercise equipment (*dumbles* like).
3. The said items were not recovered from the person of the petitioner but were recovered from the premises and therefore the petitioner, along with other inmates, lodged in the premises were punished by being awarded

a similar punishment.

4. The learned counsel appearing for the petitioner states that one of the inmates had challenged his punishment (W.P. (Crl.) 47/2019 captioned *Vishnu v. State of NCT of Delhi*) and the said punishment had been set aside by an order dated 04.02.2019.

5. The learned counsel appearing for the petitioner submits that the petitioner is also required to be treated at parity with the other inmate.

6. A plain reading of the order dated 04.02.2019 in W.P. (Crl.) 47/2019 indicates that the said order was passed as the petitioner therein was not supplied with a copy of the punishment ticket and, therefore, could not take any remedial measures. The learned counsel appearing for the respondent contends that in the present case, the petitioner was heard and had apologized.

7. This Court is of the view that no distinction can be drawn between the petitioner in this case and the petitioner in W.P. (Crl.) 47/2019. This is so because, admittedly, the punishment was not imposed on any allegation specific to the petitioner but had been imposed collectively on all inmates of the jail from where the prohibited items were recovered.

8. In view of the above, this Court considers it apposite to allow the present petition and the punishment imposed on the petitioner by punishment ticket dated 05.02.2017, is set aside.

9. The petitioner has already undergone the said punishment and the import of setting aside the punishment ticket would be, that the same would have to be disregarded while considering the petitioner's application for

parole or furlough.

10. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

FEBRUARY 07, 2020

pkv