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

+ **W.P.(CRL) 364/2025**

AKASH @ BHOLA

.....Petitioner

Through: **Mr. Dhruva Bhagat, Advocate**

versus

STATE OF (N.C.T.) OF DELHI

.....Respondent

Through: **Mr. Sanjeev Bhandari, ASC for the
State with SI Sandeep Yadav, PS
Sadar Bazar, Delhi**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.02.2025

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CRL.M.A. 3203/2025 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

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4. The present petition filed under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile 482 of the Code of Criminal Procedure, 1973²) assails the punishment ticket dated 26th July, 2024 issued by the by the Jail Superintendent, Central Jail-2, Tihar, Delhi.

¹ "BNSS"

² "Cr.P.C."



5. Issue notice. Mr. Sanjeev Bhandari, ASC for the State, accepts notice.
6. The Petitioner is a convict serving imprisonment for life awarded to him under Sections 302/34 of the Indian Penal Code, 1860 in FIR 81/2010 registered at P.S. Sadar Bazar. As per the Nominal Roll, the Petitioner has undergone 13 years 11 months and 16 days as on 03rd January, 2025 and earned remission of 9 months and 15 days.
7. According to the impugned punishment ticket, on 26th April, 2024, the Petitioner was released on furlough for a period of three weeks with his date of surrender being 18th May, 2024. This date was extended till 19th July, 2024 through Supreme Court's order dated 17th May, 2024 in W.P.(Crl) 229/2014. Thereafter, on 19th July, 2024, the Supreme Court dismissed the petition and directed the Petitioner to surrender on the same date. However, the Petitioner surrendered on 23rd July, 2024, i.e. after a delay of 3 days.
8. Counsel for the Petitioner points out that the delay in surrender was inadvertent on account of the fact that the counsel who was representing the Petitioner before the Supreme Court did not give him proper legal advice. He points out that the Petitioner had no information that he was required to surrender on the date where the Supreme Court passed the order dated 19th July, 2024 and he immediately surrendered upon receiving information of the said order. It is also pointed out that due to the impugned punishment ticket, on 16th October, 2024, Petitioner's application for grant of furlough was rejected. This was challenged by the Petitioner through W.P.(Crl) 3391/2024 and this Court through order dated 19th November, 2024 allowed the Petitioner's request for release on furlough for a period of two weeks.
9. Mr. Sanjeev Bhandari, ASC for the State, strongly opposes the request made in present petition.



10. The Court has considered the aforementioned contentions. As per Nominal Roll, the Petitioner's jail conduct for last one year and his overall conduct has been satisfactory. Notably, the Petitioner has been granted bail/furlough on several occasions with no incident of misuse of liberty reported. Further, the Petitioner has timely surrendered before the concerned authorities on every such occasion.

11. The impugned punishment ticket arises from the lapse on the part of the Petitioner for the last furlough granted to him on 26th April, 2024 as there was a delay of 3 days in his part in surrendering. This as explained by the Petitioner has occurred on account of peculiar circumstances where apparently the Petitioner was not properly advised by his counsel that he was required to surrender on the same date when Supreme Court passed the order. The order itself was uploaded in Supreme Court website on 22nd July, 2024 at 17:21 PM and the Petitioner then surrendered immediately thereafter on 23rd July, 2024.

12. Since, the Petitioner has voluntarily surrendered immediately on becoming aware that he could no longer continue on furlough, he has exhibited intent to not misuse the liberty granted.

13. In light of the foregoing, the request made in the present petition is allowed and the punishment ticket dated 26th July, 2024 is hereby set aside.

14. Accordingly, the present petition is allowed in the aforesaid terms.

SANJEEV NARULA, J

FEBRUARY 3, 2025/ab