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

+ **W.P.(CRL) 1207/2025**

BHUPENDER

.....Petitioner

Through: Mr. Manmeet Verma, Mr. Nishank
Tyagi, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Anand V Khatri, ASC with SI
Meeta, PS M. K. Nagar

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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12.12.2025

1. The Petitioner is a life convict in case FIR No. 629/2016, registered at P.S. Mukherjee Nagar, under Sections 320 and 34 of the Indian Penal Code, 1860¹. Through this petition under Article 226 of the Constitution of India, he seeks quashing of punishment ticket dated 27th February, 2024, issued against him by the Jail Superintendent, Central Jail-01, Tihar, Delhi.
2. Counsel for the Petitioner submits that the aforesaid punishment ticket directs stoppage of the Petitioner's canteen, phone call, and mulakat facilities for a period of 30 days, on the ground that he was allegedly found in an inebriant condition and a UCT test conducted by the jail doctor was reported positive. He urges that the punishment constitutes a Major Punishment under Rule 1271(b)(II) of the Delhi Prison Rules, 2018, thereby making compliance with the procedural safeguards under Rules 1272 and

¹ "IPC"



1273 mandatory.

3. Counsel submits that the punishment ticket reflects no notice of hearing, no recording of the Petitioner's defence, and no indication of any inquiry conducted in the quasi-judicial manner required by Rule 1273 of the Delhi Prison Rules. Attention is drawn to the fact that the punishment ticket contains only a brief conclusion that the Petitioner was found in an inebriant state, without any discussion of the defence, the basis of the conclusion, or the appreciation of material.

4. It is further submitted that just days prior to the alleged incident, on 24th February, 2024, the Petitioner was examined by the jail doctor for severe back pain and was prescribed strong painkillers, which can cause light-headedness and may also result in false-positive readings in UCT screening. Despite the Petitioner taking medically prescribed medication, the jail authorities failed to consider this aspect, rendering the conclusion of intoxication medically questionable.

5. Counsel argues that the punishment ticket, though noted to have been judicially appraised by the District & Sessions Judge, cannot sustain because the foundational procedural steps were never undertaken, and judicial appraisal cannot cure the lack of compliance with mandatory rules or violation of natural justice.

6. Having considered the record, this Court notes that the punishment ticket contains no recorded defence or explanation and reflects only summary notings, with nothing to indicate that notice was issued or that the procedure mandated under Rules 1272 and 1273 of the Delhi Prison Rules was followed. Even assuming the UCT result to be positive, the procedural requirements mandated by statutory rules cannot be bypassed. The



Superintendent must record the basis on which notice was issued, what defence was offered, and how the decision was arrived at. No such material exists on the face of the impugned ticket. This Court in ***Dalip Singh v. State***², in similar circumstances directed the Superintendent to afford a *post-facto* hearing to the prisoner and to record his defence.

7. Accordingly, this Court directs the Superintendent, Central Jail-01, Tihar to conduct a fresh hearing after issuing proper notice to the Petitioner, to duly record his defence and explanation, including but not limited to his contention regarding the prescribed medication and its alleged impact on the UCT result, and thereafter to return a fresh, reasoned finding in accordance with the relevant rules and procedure.

8. The impugned punishment ticket dated 27th February, 2024 shall remain in abeyance till such fresh determination is made. If a fresh punishment is imposed, the complete file shall be placed before the District & Sessions Judge for judicial appraisal, in compliance with the Delhi Prison Rules.

9. These directions shall be complied with within a period of three months from today.

10. The writ petition is accordingly disposed of in the above terms.

SANJEEV NARULA, J

DECEMBER 12, 2025

Pallavi

² W.P.(CrI.) 633/2019.