



\$~47

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

+ **W.P.(CRL) 1268/2025**

MANOJ SIROHI

.....Petitioner

Through: **Mr. Hemant Singh (DHCLSC) with
Ms. Urvashi Jain, Advocates.**

versus

STATE THROUGH SHO P.S BAWANA

.....Respondent

Through: **Ms. Rupali Bandhopadhy, ASC for
State with Mr. Abhijeet Kumar,
Advocate with Insp. Rajnikant,
SHO/Bawana with SI Krishan Kumar,
P.S. Bawana.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.04.2025

%

CRL.M.A. 11973/2025 (Seeking Exemption)

1. Allowed, subject to just exception.
2. The Application stands disposed of.

W.P.(CRL) 1268/2025

1. Writ Petition (Criminal) under Article 226 of the Constitution of India seeking quashing of the Punishment Ticket dated 15.09.2022 as awarded by the Jail Superintendent, Central Jail-2, Tihar has been filed on behalf of the Petitioner.
2. It is submitted in the Petition that the Petitioner has been awarded imprisonment for life and has served 14 years of incarceration without remission.
3. Criminal Appeal No.1095/2013 has been dismissed by this



Court *vide* Judgment dated 21.12.2015. The Petitioner has been regularly granted Parole/Furlough on as many as 16 different occasions and he has surrendered on time without misusing the liberty granted to him. He was released on emergency Parole for a period of eight weeks which was further extended till 19.02.2021 from time to time. He surrendered in Jail on 31.08.2022 when he got the information from the Local Police that the Emergency Parole has expired.

4. It is submitted that *vide* Punishment Ticket dated 15.09.2022, his “*Canteen and Phone facilities*” have been stopped, despite he having informed the concerned Officer that he had no information about the date of surrender. Hence, the quashing of the Punishment Ticket is sought.

5. Reliance has been placed on the judgment of the Coordinate Bench of this Court in *Mohd. Tanvir vs. State of NCT of Delhi, W.P(Crl) 1020/2023* decided on 20.09.2023 and on *Radhey Shyam vs. State of NCT of Delhi, W.P(Crl) 426/2023* decided on 09.08.2024. It is thus submitted that the Punishment Ticket dated 15.09.2022 be quashed.

6. **Learned counsel on behalf of the Respondent**, who has appeared on advance Notice, has contested the Petition by asserting that there is an inordinate delay of more than two years in approaching the Court. There is no merit in the present Petition, which is liable to be dismissed.

7. **Submissions heard and record perused.**

8. The Punishment Ticket dated 03.09.2022 issued by the Jail



Authorities reads as under: -

“On 03.04.2020, convict Manoj Sirohi s/o Priya pal Singh was released on Emergency Parole for a period of 08 weeks, granted by Govt, of NCT of Delhi vide order no. F.10(003600620)/CJ/Legal/2020/20659 dated 31.03.2020. The same was further extended time to time till 19.02.2021. However, he did not surrendered on the due date and jumped the Emergency Parole. Now, he himself has surrendered in this jail on 31.08.2022.

Such act of non-surrender after expiry of Emergency Parole period, on the part of aforesaid convict, is a violation of prison rules. Hence, he may be punished as per provisions of Delhi Jail Manual.

Heard in Person.

The reply to the show cause notice is also enclosed. For breaching the conditions of parole the phone facility and canteen facility stopped...”

9. It is pertinent to observe that according to the Punishment Ticket dated 03.09.2022, the date of surrender of petitioner was fixed for 19.02.2021, which was extended from time to time, but the petitioner failed to surrender on due date and jumped the Emergency Parole.

10. The perusal of the Punishment Ticket reflects that a Show Cause Notice was served and the Petitioner had stated that his defence was that he was not aware of the date of surrender.

11. He has stated in the Petition that every time when he called, he was informed by the Jail Authority that he need not surrender and his Emergency Parole was being extended from time to time.

12. The Petitioner was unable to surrender on time after the period of Parole expired. It cannot be overlooked that the COVID Pandemic



created unprecedented situation whereby the entire world came to a standstill. It is also a matter of record that the inmates were directed to surrender in batches on the dates that were specified from time to time. The COVID Pandemic ended on 28.02.2022 and the Petitioner has surrendered on 31.08.2022.

13. Furthermore, the Punishment Ticket has imposed the punishment of stopping the telephone and canteen facility of the Petitioner. Pertinently, there is no time frame for which this facility has been stopped, and such stoppage of facilities without a period being defined is unjustified in itself and merits being set aside.

14. The delay of about 6 months in surrendering, for which the explanation given is that he was not aware of the date of surrender, cannot be termed as unreasonable.

15. In the circumstances, the Punishment Ticket dated 15.09.2022 stands quashed.

NEENA BANSAL KRISHNA, J

APRIL 22, 2025

rk