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

+ W.P.(CRL) 1413/2025, CRL.M.A. 13154/2025

AJIT SINGH

.....Petitioner

Through: Mr. Priyal Bhardwaj & Mr. Chetan
Bhardwaj, Advs.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC with Mr
Kshitiz, Mr. Ashvini, Advs.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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30.04.2025

1. Writ petition has been filed under Article 226 of the Constitution read with Section 528 BNSS/Section 482 Cr.P.C. seeking quashing of the Punishment Ticket No. 673 dated 02.02.2025 issued by Central Jail No. 14, Mandoli Jail.

2. It is submitted in the Petition that an FIR No. 175/2001 under Sections 364-A/343/120-B/34 IPC PS New Ashok Nagar was registered against him and he was subsequently arrested and prosecuted *vide* Judgment dated 22.09.2009, he was convicted for the offenses under Section 364-A/343/120-B/34 IPC and was sentenced on 25.09.2009 to undergo life imprisonment with a fine of Rs. 5000/- under Section 364A read with Section 120B and other sentences under Section 343 and 120B IPC. The Appeal No.1010-2009 preferred by the Petitioner was dismissed by this Court on 08.07.2014.

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3. It is submitted stated that Petitioner was released on Furlough for a period of two weeks from 08.09.2023 to 23.09.2023, but he was granted stay from surrender by the Apex Court. The Petition was dismissed on 03.01.2025 and Petitioner was directed to surrender within two weeks. However, this Order of surrender had not been communicated to the Petitioner by his counsel and he was under the *bona fide* impression that the Furlough has been extended. He received information only on 31.01.2025 from Jail Authority for surrender after which he immediately surrendered voluntarily on 01.02.2025.

4. It is submitted that because of the communication gap between the Petitioner and his counsel, there was a delay of 16 days in surrender. It is asserted that the delay was unintentional and the Petitioner immediately surrendered on being communicated about his surrender.

5. It is further submitted that the Petitioner was punished with the Punishment Ticket No. 673 dated 02.02.2025 with stoppage of *mulakat* facility for seven days. The Punishment Ticket was sent for judicial appraisal on 06.02.20205 i.e. after more than two days of awarding punishment to Petitioner, which is in contravention of Rule 1272 and 1273 of Delhi Prison Rules, 2018.

6. Reliance has been placed on Vikram Pal vs. State NCT of Delhi, 2024 SCC OnLine Del 3887, wherein in similar circumstances, the Punishment Ticket was quashed by this Court for not having filed the said Punishment Ticket for judicial appraisal within the stipulated time.

7. It is further asserted that the punishment has been levied in violation of Rule 1273 of Delhi Prison Rules 2018 which gives the detail of the procedure to be followed, but the same was not followed. Reliance has also

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been placed in MD. Tanvir vs. State (Govt.) NCT of Delhi, W.P.(Crl.) 1020/2023 wherein in similar circumstances, the punishment ticket was quashed.

8. It is thus, submitted that the Punishment Ticket be quashed.

9. *Learned counsel on behalf of the State* has submitted that due procedure was followed while issuing the punishment.

10. There is no merit in the present Petition which is liable to be dismissed.

11. Submissions heard and record perused.

12. Bare perusal of the proceedings reflect the a Show Cause Notice was given to the Petitioner to which he had given a Reply that there was a communication gap between him and his counsel which resulted in a 16 day delay in surrender. However, as soon as he received the information from jail authorities on 31.01.2025, he immediately surrendered on the next day.

13. Despite a prudent explanation having been given, punishment of stoppage of one week *mulakat* has been imposed which is clearly not tenable in the light of the explanation given by the Petitioner.

14. Thus, the impugned Punishment Ticket is hereby quashed.

15. The Writ Petition is allowed and accordingly disposed of along with pending Application.

NEENA BANSAL KRISHNA, J

APRIL 30, 2025/n