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

+ **W.P.(CRL) 2092/2023**

**MOHD ZAKIR**

.....Petitioner

Through: Ms. Priyal Bhardwaj and Mr. Chetan  
Bhardwaj, Advocates.

versus

**STATE GOVT OF NCT OF DELHI**

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Crl.) with Mr.  
Karan Grover, Mr. Priyansh Raj  
Singh Senger and Mr. Aniket Kumar  
Singh, Advocates.  
SI Ravinder C., P.S. Amar Colony.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

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**30.07.2025**

1. The Petitioner, a convict serving life sentence in FIR No. 359/2011 under Sections 302/404/201 of the Indian Penal Code, 1860<sup>1</sup> registered at P.S. Amar Colony, assails the punishment ticket dated 8<sup>th</sup> May, 2023 issued by the Respondent penalizing him with one month's suspension of canteen facility.
2. The Petitioner was released on emergency parole for a period of 8 weeks during the outbreak of the COVID-19 pandemic, which was subsequently extended from time to time. Pursuant to directions issued by the Supreme Court in *Suo Moto Writ Petition No. 01/2020*, all convicts

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<sup>1</sup> "IPC"



released on such parole were directed to surrender within 15 days from 24<sup>th</sup> March, 2023. However, the Petitioner surrendered belatedly on 8<sup>th</sup> May, 2023, resulting in a delay of approximately one month. In light of this delay, the impugned punishment ticket was issued. Following a hearing, wherein the Petitioner admitted the lapse, he was awarded a punishment of one-month stoppage of canteen facility.

3. Ms. Priyal Bhardwaj, counsel for Petitioner urges that the delay in surrender was inadvertent and not wilful. She submits that the Petitioner was not informed of the specific date for surrender, which led to the delay. However, upon subsequently becoming aware of the requirement, the Petitioner voluntarily surrendered before the appropriate jail authorities, thereby exhibiting his intent to comply with the law. She further argues that since the punishment imposed constitutes a “major punishment” under Rules 1272 and 1273 of the Delhi Prisons Rules, 2018,<sup>2</sup> the Petitioner ought to have been issued a show cause notice prior to the imposition of the punishment. This violation of principles of natural justice and non-compliance with the mandatory procedure renders the punishment invalid.

4. Mr. Rahul Tyagi, ASC (Crl.) for the State, on the other hand, opposes the petition and asserts that the delay in surrender is undisputed and has been admitted by the Petitioner in his statement recorded on the date of surrender. He submits that the punishment was imposed following due process and has been judicially appraised, and thus, no interference is warranted.

5. The Court has considered the aforementioned facts and contentions. The Petitioner has been in custody for approximately 12 years. While it is true that there was a delay in surrender, the question is whether such delay was



caused by genuine and justified reasons. This factual issue warrants consideration.

6. In this regard, the Court finds merit in the Petitioner's submission that, given the punishment imposed falls within the category of "major punishment", the procedural safeguards under Rules 1272 and 1273 of the Delhi Prisons Rules were required to be followed. Admittedly, no show cause notice was issued to the Petitioner prior to imposing the punishment. Moreover, it is noted that the Petitioner has already undergone the said punishment, having faced one month's stoppage of canteen facility.

7. In view of the above, the present petition is allowed and the impugned punishment ticket dated 8<sup>th</sup> May, 2023 is set aside leaving it open to the State to issue a proper show cause notice to the Petitioner concerning the alleged breach of Jail Rules and thereafter proceed in accordance with law and the procedure prescribed under the Delhi Prisons Rules, if deemed appropriate.

8. The present petition is disposed of in the above terms.

9. It is made clear that the Court has not commented on the merits of the case and it is open to the Competent Authority to proceed in accordance with law, if it decides to reopen the matter and hold an enquiry afresh.

**SANJEEV NARULA, J**

**JULY 30, 2025/as**

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<sup>2</sup> "the Delhi Prisons Rules"