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

+ W.P.(CRL) 1617/2025 & CRL.M.A. 15244/2025

ARUN KUMAR @ KALE

.....Petitioner

Through: Mr. Anup Kr. Das, Mr. Uday
Chauhan, Advocates

versus

STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for the
State with SI Satender Kumar, PS
NR-II, Crime Branch

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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15.10.2025

1. The Petitioner is a convict in FIR No. 215/2010 dated 22nd June, 2010, registered at P.S. Bahadurgarh, Haryana under Sections 302, 307, 149 and 120B of the Indian Penal Code, 1860¹ read with Sections 25 and 27 of the Arms Act, 1959².
2. On 25th May 2022, he was transferred from District Jail, Panipat, Haryana to Central Jail No. 8/9, Tihar, New Delhi, in connection with FIR No. 55/2016, registered at P.S. Crime Branch, Delhi under Sections 3 and 4 of the Maharashtra Control of Organized Crime Act, 1999³.
3. While lodged in Tihar Jail, a search was conducted on 20th June, 2023, in the barrack housing the Petitioner along with five other inmates,

¹ "IPC"

² "Arms Act"

³ "MCOCA"



during which a mobile phone was recovered from a window cavity. A show-cause notice was issued to the Petitioner, and upon consideration of his reply, the Jail Superintendent imposed the punishment of stoppage of canteen facilities for seven days.

4. As regards antecedents, the Petitioner submits that although several criminal cases were registered against him subsequent to FIR No. 215/2010 at P.S. Bahadurgarh, Haryana, he has been acquitted in almost all of them. The only exceptions are FIR No. 55/2016 registered at P.S. Crime Branch, Delhi, and FIR No. 65/2011 dated 26th February, 2011, registered under Section 379 IPC at P.S. Palam Vihar, Gurugram, in which he was convicted and has already undergone the entire sentence. He is presently serving a life sentence in FIR No. 215/2010 and lodged in District Jail, Panipat, Haryana. It is his grievance that the impugned punishment has deprived him of eligibility for furlough in that case. It is further urged that the stoppage of canteen facilities constitutes a *major punishment* within the meaning of Rule 1271(b)(II) of the Delhi Prison Rules, 2018, yet the mandatory procedure prescribed under Rules 1272 and 1273 for awarding such punishment, including issuance of notice, inquiry, and recording of evidence, has not been followed.

5. On merits, it is urged that there is no material to connect the Petitioner with the recovery. The mobile phone was not found in his possession, and his denial was summarily rejected without any finding attributing ownership to him.

6. On the other hand, Mr. Sanjeev Bhandari, ASC for the State, opposes the petition. He submits that due process of law was followed: a show-cause notice was duly served upon the Petitioner, his reply was considered, and



only a *minor punishment* under Rule 1271(a)(II) of the Prison Rules was awarded. It is also argued that the punishment has been judicially appraised and, therefore, no interference is warranted.

7. The Court has considered the aforementioned contentions and perused the material on record.

8. The record shows that while the punishment order was described as a “*minor punishment*” under Rule 1271(a)(II), the show-cause notice itself was issued under Rule 1272, which applies exclusively to *major punishments*. The notice explicitly stated that *major punishment* was proposed. This inconsistency undermines the procedural regularity of the disciplinary process.

9. Moreover, the Petitioner had categorically denied ownership of the recovered mobile phone in his reply. The punishment order, however, records no conclusive finding identifying the owner of the phone, nor any evidence linking the recovery specifically to the Petitioner. The imposition of punishment on all inmates of the barrack, without establishing individual culpability, reflects collective penalisation inconsistent with the requirements of fairness and proportionality.

10. It is settled law that even within prison discipline, the principles of natural justice and the procedure prescribed in the rules must be observed, particularly where a punishment has severe consequences or may affect statutory benefits, such as remission or furlough. A major punishment, carrying such consequences, cannot be sustained merely on presumptions or general suspicion.

11. Having regard to these circumstances, and since the Petitioner has already undergone the period of punishment, this Court finds it appropriate



to set aside the impugned order. Accordingly, the punishment ticket dated 20th June, 2023, is quashed.

12. However, it is clarified that if credible material subsequently emerges establishing the Petitioner's involvement in the recovery, the authorities shall remain at liberty to proceed afresh in accordance with the Prison Rules.

13. The petition stands disposed of along with all pending applications.

SANJEEV NARULA, J

OCTOBER 15, 2025/ab