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

+ W.P.(CRL) 2153/2022

PURAN SINGH @ VIPIN

.....Petitioner

Through: Mr. Gunjan Sinha Jain and Ms.
Shriya Ojha, Advocates (DHCLSC)

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Crl.) for State
with Mr. Mathew M. Philip, Mr.
Sangeet Sibou and Mr. Aniket Kumar
Singh, Advocates and SI Dharmveer,
PS Chhawla

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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20.02.2025

1. The instant writ petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “CrPC”) [now Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (“BNSS” hereinafter)] has been filed on behalf of the petitioner seeking quashing of punishment Ticket No.28 dated 20th August, 2020.

2. The brief facts of the case are that the petitioner is a convict currently serving life imprisonment in FIR No. 569/2000. The petitioner was granted Emergency Parole on 31st March, 2020 in view of the COVID-19 pandemic. During this parole, on 6th June, 2020, the petitioner was arrested in another FIR bearing number 350/2020 registered against the petitioner at Police Station - Bhalswa Dairy, Delhi for offences punishable under Sections 307/34 of the Indian Penal Code, 1860 (hereinafter “IPC) and Sections



25/27 of the Arms Act, 1959. The petitioner is currently confined in Central Jail No. 2, Tihar Jail, New Delhi.

3. On 20th August, 2020, the jail authorities issued Punishment Ticket no. 28 to the petitioner for violation of terms and conditions of personal bond while out on parole, wherein he was suspended of services pertaining to local call facility and canteen facility for a period of one month.

4. The petitioner preferred an application before the learned Inspecting Judge, North District, Rohini wherein he stated that the punishment awarded by the Jail Authorities as well as trial pertaining to FIR No. 350/2020 constitutes as double jeopardy. The said application was dismissed vide order dated 8th December, 2020 stating that the trial under FIR No. 350/2020 and the punishment awarded due to violation of jail manual are distinct offences.

5. The Punishment Ticket no. 28 was subsequently approved by the learned Inspecting Judge and the learned District and Sessions Judge, Delhi on 5th January, 2021.

6. It is stated that the petitioner was allegedly provided with a copy of the punishment ticket only on 14th August, 2022.

7. Aggrieved by the said punishment ticket, the petitioner has approached this Court for quashing of the same.

8. Mr. Jain, learned counsel (DHCLSC) appearing on behalf of the petitioner submitted that the punishment imposed upon the petitioner is in gross violation of the principles of natural justice as the petitioner was neither served with any notice of charges nor given an opportunity to defend himself before the imposition of punishment.

9. It is submitted that the jail authorities failed to adhere to the



mandatory procedure prescribed under Section 53 of the Delhi Prison Act, 2000 (hereinafter “DP Act”) which requires that no prisoner shall be punished without being informed of the alleged offence and given an opportunity to defend himself before the imposition of punishment.

10. It is submitted that the impugned punishment has also been imposed in complete disregard of the Delhi Prison Rules, 2018 (hereinafter “DP Rules”) which prescribe a structured procedure for awarding major punishments. It is also submitted that none of the mandatory requirements as per Rules 1272 and 1273 of DP Rules, 2018 were followed in the petitioner’s case, demonstrating a clear procedural lapse that vitiates the punishment.

11. It is submitted that the punishment imposed upon the petitioner is legally unsustainable, as it pertains to an offence allegedly committed outside the jail. It is also submitted that the jail authorities lack jurisdiction to impose punishment for an external offence, especially when it is already the subject matter of an ongoing criminal trial.

12. It is submitted that the petitioner is already facing trial in FIR No. 350/2020, registered at Police Station Bhalswa Dairy, for offences punishable under Sections 307 and 34 of the IPC and Section 25 and 27 of the Arms Act, 1959 and has already been granted bail by the learned Trial Court. It is further submitted that the imposition of an additional punishment within the jail for same allegations amounts to double jeopardy which is impermissible under Article 20(2) of the Constitution of India and Section 300 of the CrPC.

13. It is submitted that the jail authorities acted in an arbitrary and mechanical manner while issuing the punishment ticket, without due



application of mind or adherence to the relevant legal provisions. It is further submitted that the lack of any formal inquiry, opportunity of defence, or judicial oversight at the time of issuance demonstrates a blatant disregard for procedural fairness making the punishment wholly unsustainable in law.

14. *Per Contra*, Mr. Tyagi, learned ASC appearing on behalf of the State vehemently opposed the present petition and submitted that the instant petition is devoid of any merits.

15. It is submitted that the punishment imposed upon the petitioner was awarded in strict compliance with the rules and procedures governing prison discipline. It is further submitted that the allegations of violation of natural justice are misplaced and without merit.

16. It is submitted that the discretionary powers of the Superintendent under the DP Act allow the imposition of necessary disciplinary measures to maintain prison discipline, which was exercised in the present case in accordance with law.

17. It is submitted that Rules 1272 and 1273 of DP Rules, 2018 also grant the Superintendent the discretion to take immediate corrective measures in cases where prison security and order are at stake. It is further submitted that the disciplinary action taken against the petitioner was well within the legal framework and the non-compliance alleged by the petitioner is unfounded.

18. It is submitted that the principle of double jeopardy as enshrined under Article 20(2) of the Constitution and Section 300 of the CrPC is not applicable in the present case. It is further submitted that the petitioner is facing trial for offences under FIR No. 350/2020 in a criminal court of law,



whereas, the punishment imposed by the jail authorities is purely a disciplinary measure meant to maintain order within the prison system.

19. It is submitted that the issuance of punishment ticket was neither arbitrary nor mechanical. The petitioner is subject to disciplinary action was imposed based on objective considerations. It is further submitted that the allegation that the punishment was imposed without due application of mind is misconceived and unsubstantiated.

20. In light of the above, it is submitted that the allegations of procedural violations are unfounded and the impugned disciplinary action does not warrant interference by this Court and that the punishment awarded to the petitioner was lawfully imposed. Therefore, it is prayed that the instant petition may be dismissed as being devoid of any merit.

21. Heard learned counsel for the parties and perused the record.

22. Before proceeding further, it is imperative to peruse Section 53 of the DP Act, 2000 and Rules 1272 and 1273 of the DP Rules, 2018, as these provisions govern the disciplinary framework within the prison administration and establish the procedural safeguards for awarding punishments to inmates. A careful examination of these legal provisions is necessary to ascertain whether the punishment imposed upon the petitioner adheres to the said rules or if any procedural infirmity exists that warrants judicial interference.

23. Section 53 of the DP Act, 2000 prescribes the mandatory procedural safeguards that must be followed before awarding punishment to a prisoner. Section 53 is reproduced as below:

“53. Procedure for conducting enquiries for the award of punishment



(1) No prisoner shall be awarded any punishment under Section 47 unless he has been informed of the offence alleged against him and given a reasonable opportunity of being heard in his defence;

(2) No prisoner shall be punished twice for the same offence;

(3) Subject to the provisions of sub-section (1) and (2) above, the Superintendent may follow such procedure, for the holding of inquiries, including framing of charges against a prisoner, segregation of prisoners pending inquiry, medical examination in case of inquiries, conduct of the inquiry and other matters regarding requests for appeal or revision, as may be prescribed.

(4) Where the act of the prisoner is an offence punishable under this Act and under the Indian Penal Code 1860 (45 of 1860) or any local or special enactments, it shall be in the discretion of the Superintendent to deal with the case himself or send it to the concerned Magistrate.

Provided that where the offence committed is a cognizable offence punishable with imprisonment for a term of three years or above, he shall initiate proceedings for the offender.

24. Section 53 of the DP Act, 2000, lays down mandatory procedural safeguards for conducting inquiries before awarding punishments to prisoners. The provision explicitly requires that *firstly*, no punishment shall be awarded unless the prisoner is informed of the alleged offence and provided a reasonable opportunity to defend himself; *secondly*, a prisoner cannot be punished twice for the same offence; and *thirdly*, the Superintendent is responsible for framing of charges, recording statements and ensuring a due inquiry before imposing any punishment.

25. The DP Rules, 2018 further supplement Section 53 of the DP Act by providing a detailed mechanism for awarding major punishments within the prison system. Rules 1272 and 1273 are reproduced as follows:



“1272. For award of major punishment the prisoner should be given notice in writing, calling him to show cause with reference to the alleged violation of the Jail rules. The order of punishment should also be communicated to the concerned prisoner.

1273. The Superintendent shall hold an inquiry touching every prison offence committed or alleged to have been committed by a prisoner in the prison in a quasi-judicial manner recording the statements of all concerned witnesses, giving full opportunity to the offender for his defense. Confessional statements of the offender should also be recorded in the presence of two witnesses. Findings and punishment in the manner provided in law should be recorded after applying judicious mind by the Superintendent in his own hand in the prisoner's history ticket. The complete enquiry file, findings and the punishment awarded shall be immediately forwarded to the District and Sessions Judge for obtaining judicial appraisal in all cases except in cases of formal warning. Where such information, on account of exigency is difficult to be forwarded immediately, be given within 2 days of finding. The Superintendent shall satisfy himself that every punishment so ordered, is duly carried into effect in accordance with law:

Provided that the Superintendent, at any time, if physically incapacitated from making such record, cause the same to be made in his presence and under his directions.”

26. Rules 1272 and 1273 of the DP Rules, 2018, provide clear procedural requirements for awarding major punishments within the prison system. Rule 1272 mandates that a prisoner must be served with a written notice detailing the charges, ensuring that they are aware of the allegations before punishment is imposed. Further, Rule 1273 stipulates that the Superintendent must conduct a quasi-judicial inquiry which includes, recording of statements, providing the prisoner with an opportunity to



present his defence and ensuring that the findings and punishment is duly recorded in the prisoner's history ticket and subsequently forwarded for judicial appraisal by the District & Sessions Judge.

27. In light of the above discussed provisions, it is clear that Section 53 of the DP Act, 2000 and Rules 1272 and 1273 of the DP Rules, 2018 lay down mandatory procedural safeguards for the imposition of punishment on inmates. These provisions are not merely procedural formalities, but rather essential safeguards designed to protect prisoners from arbitrary disciplinary actions.

28. However, in the present case, it is evident that none of these safeguards were followed by the jail authorities. The punishment was imposed without prior notice, without conducting a formal inquiry and without affording the petitioner an opportunity to defend himself.

29. No material has been placed before this court to establish that the petitioner was served with a written notice informing him of the alleged violation of jail rules, a mandatory requirement under Rule 1272.

30. As a result, the petitioner was completely unaware of the charges leveled against him and was denied the opportunity to prepare an adequate defence. The absence of such notice undermines the very essence of due process, as a person cannot be expected to contest a charge without first being informed of its nature and basis.

31. Furthermore, no formal inquiry was conducted as mandated by Rule 1273 which requires the Superintendent to record statements of all relevant witnesses, allow the accused prisoner to present his version, and document the findings with judicial scrutiny. The petitioner was neither called upon to respond to the allegations nor given the chance to cross-examine any



witnesses or contest the evidence, if any, relied upon by the authorities. The entire process or lack thereof, demonstrates a complete failure to comply with even the most basic principles of procedural justice.

32. The failure of the jail authorities to comply with these statutory and regulatory provisions renders the impugned punishment procedurally defective. The absence of prior notice, lack of an inquiry, and non-communication of the punishment order to the petitioner undermines the entire disciplinary process making it legally untenable.

33. Taking into consideration the contents made in the instant petition, legal submissions and provisions of DP Rules, 1980 and jail manual, the Punishment Ticket No.28 dated 20th August, 2020 is, hereby, set aside and the matter is remanded back to the concerned authority to re-consider the same after taking into consideration the provisions and contents made in the instant writ petition as well as observations made herein above.

34. Furthermore, the petitioner is directed to appear before the concerned authority, wherein, the petitioner shall be afforded with an opportunity to be heard prior to the passing of the final order, if any.

35. With the directions as aforesaid, the instant petition along with pending applications, if any, stands disposed of.

CHANDRA DHARI SINGH, J

FEBRUARY 20, 2025

Rt/kj

[Click here to check corrigendum, if any](#)