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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 4245/2025, CRL.M.A. 38177/2025**

PURAN PRASAD

.....Petitioner

Through: Appearance not given.

versus

STATE OF (N.C.T.) OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for State
with Insp. Chetan, PS Khyala, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.12.2025

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1. A Criminal Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner for quashing of Punishment Ticket dated 26.08.2021.
2. It is submitted in the Petition that the Petitioner was convicted on 25.05.2019 in case FIR No.280/2012 under Section 302/34 IPC registered at Police Station Khyala.
3. His Appeal was rejected on 06.01.2020 by this Court and the Petitioner was released on Parole/Furlough on as many as 10 occasions between 26.01.2017 to 26.11.2025 and had surrendered on time and had never misused his liberty. On 05.04.2020 the Petitioner was released on Emergency Parole in terms of the Order dated 05.03.2020 with the date of surrender fixed for 06.04.2020. The Emergency Parole got extended from time to time till 07.04.2023. The Petitioner was not informed about the date of surrender and was re-arrested from his home and re-admitted to prison on 26.08.2021. Despite the circumstances, the Petitioner has been imposed with a punishment of "warned to remain careful in future" on 26.08.2021. The quashing is



sought on the ground that punishment is imposed without following the procedure mandated under Delhi Prison Rules, 2018. The explanation and the reasons given by the Petitioner nowhere recorded in the Punishment Ticket which reflects non-application of mind.

4. In the present case, there was no infraction of law or violation of Delhi Prison Rules as the Petitioner was not having any intimation about the date of surrender. Reliance is placed on Radhey Shyam vs. State of NCT of Delhi W.P. (Crl.) 426/2023 decided on 09.08.2024 wherein it was held that without a Show Cause Notice no punishment can be imposed on the Petitioner.

5. Reliance is also placed on Md. Tanvir vs. State of NCT of Delhi W.P. (Crl.) 1020/2023 decided on 20.09.2023, wherein in similar case where Emergency Parole had been granted during Covid-19 Pandemic and was extended from time to time and the Petitioner failed to surrender on a given day, it was observed that when there was lack of clarity regarding the date of surrender and that the things were uncertain and clear especially when the Petitioner was in his village, the imposition of punishment was unmerited and the Punishment Ticket was quashed.

6. Reliance is also placed on Manoj Sirohi vs. State of NCT of Delhi in W.P (Crl.) 1268/2025 decided on 22.04.2025, wherein similar observations had been made. Further reliance is placed on Vijay Kumar vs. State of NCT of Delhi in W.P. (Crl.) 2103/2025 decided on 31.20.2025. A prayer is, therefore, made that the Punishment Ticket dated 26.08.2021 be quashed.

7. Learned ASC for the State submits that the punishment had been imposed in accordance with Delhi Prison Rules.

Submissions heard and record perused.

8. It is a known fact that during Covid-19 Pandemic, the prisoners had



been admitted to Emergency Parole, which was extended from time to time and the day of surrender was unclear and uncertain. The Prisoners were directed to surrender in batches, for which due intimation was given. The explanation given by the Petitioner that he was not communicated the date of surrender because of which he was unable to surrender in the Jail, cannot be said to be without merit, in the light of the aforesaid judgments.

9. Considering the totality of circumstances and his conduct as reflected from the Nominal Roll, the Punishment Ticket dated 26.08.2021, is hereby quashed.

10. The Petition stands disposed of along with the pending Application(s).

NEENA BANSAL KRISHNA, J.

DECEMBER 22, 2025/VA