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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 07th May, 2026

+ W.P.(CRL) 1482/2026 & CRL.M.A. 14365/2026

GANGA SAHAY

.....Petitioner

Through: Mr. Balvinder Kumar, Advocate

versus

STATE NCT OF DELHI THROUGH CHIEF SECRETARY

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC, along
with Mr. Arjit Sharma & Ms. Sakshi
Jha, Advs.
SI Rajesh Kumar, PS-Vijay Vihar.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner seeks quashing of punishment ticket dated 02.09.2025.
2. The petitioner was earlier released on *furlough* and was scheduled to surrender on 30.05.2025. However, he did not surrender on such date and jumped *furlough* and was, eventually, re-arrested on 02.09.2025 *albeit* from his residence.
3. Since he had not surrendered in time, his such act was taken as violation of the *Delhi Prison Rules, 2018* and his mulaqat facility was directed to be stopped for one week, subject to the approval of the concerned Court which also eventually approved the above said punishment.
4. The contention of the petitioner is to the effect that stoppage of *mulaqat*



invites enquiry to be conducted in terms of *Delhi Prison Rules, 2018* and no step was ever initiated for conducting any such inquiry.

5. Learned counsel for the petitioner refers to Rule 1268, 1269 & 1271 of Delhi Prison Rules, 2018 and submits that, as per the mandate of the above said Rules, before awarding any punishment, a written notice should have been issued and he should have been served with a *Show-Cause Notice* but nothing of that kind was contemplated and he was straight away given punishment of stoppage of *mulaqat* facilities, which is not sustainable in the eyes of law.

6. Learned Additional Standing Counsel however, submits that the punishment details contained in *Annexure P-1* clearly indicate that appropriate notice was given and thereafter only the punishment was awarded.

7. Petitioner contends that even if it is assumed that the punishment was awarded as per the Rules, since, for the abovesaid violation, *mulaqat* facility had been stopped, further right of availing *furlough* should not have been denied as it amounts to *double jeopardy*.

8. Sh. Bhandari, learned counsel for the respondent acknowledges the above said fact, in all fairness, and submits that since the punishment with respect to the violation in question had already been suffered by the petitioner, there should not have been any *double jeopardy*.

9. In view of the above, the present petition is disposed of with direction to the *Competent Authority* to reconsider the request regarding grant of *furlough* while keeping in mind the fact that for the alleged violation in question, the petitioner has already suffered punishment of *stoppage of mulaqat* and, therefore, he cannot be made to suffer twice for the same



violation.

10. Petitioner is also granted liberty to move application afresh, seeking grant of *furlough* and such application be decided by the *Competent Authority* within a period of two weeks from the date of its receipt.

11. Petition stands disposed of in aforesaid terms.

12. Pending application also stands disposed of.

13. A copy of this order be sent to the Jail Superintendent for information and compliance.

(MANOJ JAIN)
JUDGE

MAY 7, 2026/jk/pb