



2025:DHC:5115



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 01.07.2025*+ **W.P.(CRL) 1232/2025**

PARMOD

.....Petitioner

Through: Mr. Shiv Chopra (DHCLSC),
Mr. Shravan Pandey, Ms.
Surbhi Arora and Mr.
Siddharth Arora, Advocates.

versus

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

.....Respondent

Through: Mr. Rahul Tyagi, ASC for the
State.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present petition, the petitioner is seeking issuance of a writ in the nature of certiorari for quashing the punishment awarded by the Jail Superintendent, Central Jail-2, Tihar, Delhi by way of Punishment Ticket dated 14.10.2024.

2. The petitioner herein is confined in Central Jail-2, Tihar, Delhi for about 15 years, in case arising out of FIR No. 80/2010, registered at Police Station Saraswati Vihar, Delhi for offence under Sections 302/458/460/411/511/379/34 of IPC. It is submitted that on 02.07.2024, the petitioner was released on furlough for a period of



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two weeks and his date of surrender was fixed for 17.07.2024. It is stated that the petitioner had preferred a Writ Petition before the Hon'ble Supreme Court seeking stay from surrendering after expiration of the period of furlough and on 19.07.2024, the petitioner's counsel made an incorrect statement on this date of hearing that his period of furlough had not expired on that date and stay was granted from surrendering till the next date of hearing i.e., 06.09.2024. On 06.09.2024, the case had been adjourned to 10.09.2024 and the petitioner's counsel informed the petitioner that the stay had been extended till 10.09.2024. However, the said petition was dismissed on 10.09.2024. Thereafter, the petitioner's counsel on 11.09.2024 informed the petitioner that the stay had been vacated and he had to surrender forthwith. Thereafter, the petitioner herein had himself surrendered before the Jail authorities on 12.09.2024. Thereafter, the Jail Superintendent had issued the impugned Punishment Ticket dated 14.10.2024 wherein the petitioner was warned to remain careful in the future.

3. The learned counsel appearing for the petitioner states that the Punishment Ticket dated 14.10.2024 has been imposed on the petitioner arbitrarily and without applying judicious mind. It is argued that the said ticket itself records that the petitioner was warned to remain careful in the future considering that his advocate had informed him that his case was being heard on 10.09.2024 and there was stay till then, so he could not surrender timely, and after that he surrendered on 12.09.2024 himself. It is contended that a



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punishment under the Delhi Prison Rules, 2018 can only be awarded if there is an infraction of law/violation of the Rules, but in the present case there is no violation of any Rule as the petitioner. It is also stated that though the Jail Superintendent through the impugned punishment ticket has observed that the petitioner had to surrender on 06.09.2024, however, the order of the Hon'ble Supreme Court dated 06.09.2024 nowhere mentions that the petitioner was required to surrender forthwith. He also states that in certain other similar cases, the benefit of doubt was extended to the petitioners by this Court. It is thus prayed that the present petition be allowed and the impugned punishment ticket be quashed.

4. The learned ASC appearing for the State opposes the present petition and argues that since the petitioner had surrendered late, he has only been warned to remain careful in future, and there is no infirmity with the impugned punishment ticket.

5. This Court has **heard** arguments advanced on behalf of both the parties and has perused the material on record.

6. The records of the case reveal that the impugned punishment ticket was issued to the petitioner herein by the Jail Authorities on the ground that the petitioner was released on furlough on 02.07.2024 for a period of two weeks, with the date of surrender fixed as 17.07.2024. It is pointed out that the petitioner, along with three other convicts, had preferred a writ petition before the Hon'ble Supreme Court of India, i.e., *W.P. (Crl.) 296/2024*, and that the Hon'ble Supreme



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Court, on 19.07.2024, had granted stay on the requirement of surrender post the expiry of furlough. This was in light of the submission made by learned counsel appearing for the petitioners, who had stated that the petitioners had not yet surrendered. The matter was thereafter listed for 06.09.2024. It is the case of the petitioner that he had been informed by his counsel that, in view of the said order, he was not required to surrender.

7. A perusal of the record reveals that on 06.09.2024, the matter was adjourned to 10.09.2024 by the Hon'ble Supreme Court. It is submitted on behalf of the petitioner that he was informed by his counsel that the date of surrender now stood extended till 10.09.2024. However, on 10.09.2024, the writ petition was dismissed by the Hon'ble Supreme Court, with certain observations made against the counsel appearing for the petitioners, including that the Court had been misled on the very first date of hearing, i.e., 19.07.2024, when a statement was made that the period of furlough had not yet expired – although, in fact, it had expired two days prior to the hearing before the Hon'ble Supreme Court. Immediately thereafter, on the very next day, the petitioner had surrendered before the Jail Authorities.

8. The impugned punishment ticket is thus premised on the petitioner's failure to surrender on the expiry of the furlough period on 17.07.2024 and subsequently on 06.09.2024, when interim protection had not been extended.

9. In the given facts and circumstances, this Court's attention has



been drawn to the order dated 17.03.2025 passed in *Manoj v. State of NCT of Delhi: W.P. (Crl.) 863/2025*, wherein a Co-ordinate Bench had quashed a similar punishment ticket issued to another petitioner in the same writ petition before the Hon'ble Supreme Court. In that case, too, the Bench took into account the peculiar facts and circumstances, observing that the petitioner had not been properly advised by his counsel regarding the requirement to surrender on 06.09.2024. It was further noted that the petitioner therein had voluntarily surrendered on 11.09.2024. The relevant extract of the said order dated 17.03.2025 is reproduced below:

“7. The Court has considered the afore-noted contentions. The impugned punishment ticket arises from the lapse on the part the Petitioner as there was a delay of 4 days in *his* part in surrendering. This, as explained by the Petitioner, has occurred on account of peculiar circumstances where apparently the Petitioner was not properly advised by his counsel that he was required to surrender on 6th September, 2024. The order dated 10th September, 2024 was communicated to him at 7:30 PM and the Petitioner then surrendered promptly on 11th September, 2024.

8. Since, the Petitioner has voluntarily surrendered immediately on becoming aware that he could no *longer* continue on furlough, he has exhibited intent to not misuse the liberty granted.

9. In light of the foregoing, the request made in the present petition is allowed and the punishment ticket dated 14th October, 20 4 is hereby set aside.”

10. In the present case as well, it is evident from the records and the submissions made before this Court that the petitioner herein was also apparently not properly advised by his counsel regarding the requirement to surrender and he remained under impression that he



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continued to be on furlough.

11. Further, the order dated 10.09.2024 passed by the Hon'ble Supreme Court of India, had categorically observed that the Court had been misled by the learned counsel appearing for the petitioners by making a statement that the period of furlough had yet not expired, on the basis of which, the petitioners were exempted from surrendering, but in fact the period of furlough had already expired even before the first date of hearing before the Hon'ble Supreme Court.

12. Therefore, considering the aforesaid facts and circumstances of the case, this Court is inclined to quash the impugned punishment ticket dated 14.10.2024 and all proceedings arising therefrom.

13. In view of the above, the present petition stands disposed of.

14. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 01, 2025/ns