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

+ **W.P.(CRL) 3657/2025 & CRL.M.A. 32900/2025**

FARMAN

.....Petitioner

Through: Mr. Medhanshu Tripathi, Mr. Tushar Tokas, Ms. Arvinder Kaur, Ms. Aditi Singh, Mr. Manas Rai, Advocates

versus

THE STATE OF NCT DELHI & ORS.Respondents

Through: Mr. Rahul Tyagi, ASC for the State with Mr. Sangeet Sibou, Mr. Priyansh Raj Singh Senger, Mr. Aniket Kumar Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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07.11.2025

1. The Petitioner is an accused in FIR No. 351/2022 registered at Police Station Shahdara for the offences under Sections 392, 394, 397 and 34 of the Indian Penal Code, 1860¹ and Sections 25 and 27 of the Arms Act, 1959, and is presently lodged as an undertrial prisoner in Mandoli Jail. The Petitioner alleges that he, along with other inmates, is being subjected to assault and harassment inside the jail for the purpose of extorting money, allegedly at the behest of jail officials.
2. The Petitioner specifically alleges, that on 7th June, 2024, he was physically assaulted by certain inmates, purportedly acting on the instructions of jail officials, and that the said incident is captured on CCTV.

¹ "IPC"



He further alleges that he was compelled thereafter to make statements affirming his well-being, and declaring that he was not subjected to any ill-treatment. The Petitioner argues that these acts form part of a larger pattern of extortion within the jail, wherein inmates are compelled to make monetary payments through digital platforms such as Paytm under threat of violence. However, despite payment of substantial amounts under threat, the alleged ill-treatment has not ceased and has, instead, intensified.

3. The Petitioner states that he informed his sister of the alleged incidents, whereupon she addressed a representation to the concerned authorities on 12th June, 2024. Further, applications seeking the Petitioner's protection, medical treatment, and transfer from Mandoli Jail to Bulandshahr Jail were also moved before the Trial Court, but no effective relief was granted. Having no efficacious alternative remedy, the Petitioner is constrained to invoke the jurisdiction of this Court seeking directions to ensure the protection of his life, liberty and dignity as guaranteed under Articles 14 and 21 of the Constitution of India, 1950. The prayers sought are reproduced below:

“a) Issue an appropriate Writ, Order or Direction in the nature of Mandamus or any other Writ deemed just and proper, directing the Respondent No. 1 i.e. State (GNCTD) through the Home Department, and Respondent No. 2 i.e. Director General (Prisons), Tihar/Mandoli, to forthwith ensure the safety and security of the Petitioner lodged in Central Jail, Mandoli, Delhi, and to protect him from any form of physical assault, threat, or extortion by inmates or officials or in alternate.

b) Issue a Writ, Order or Direction to transfer of the Petitioner from Central Jail, Mandoli, Delhi to District Jail, Bulandshahr (Uttar Pradesh) or to any other neutral and secure correctional facility as this Hon'ble Court deems fit.

c) Issue a Writ or Direction for institution of an independent, impartial and time-bound judicial or any other inquiry into the repeated instances of custodial assault, extortion and forced statements suffered by the



Petitioner inside Mandoli Jail, fixing accountability of the concerned jail officials and inmates, and ensuring criminal prosecution under appropriate provisions of law BNS, 2023 and The Prevention of Corruption Act, 1988.

d) Direct the Respondents to preserve, produce and secure all documentary and electronic evidence relevant to the incidents, including:

I. CCTV footage of Ward No. 3 and surrounding corridors for the period May 2024 to October 2025;

II. Jail Medical Registers, Punishment Registers and Complaint Registers;

III. All written complaints and representations made by the Petitioner and his family; and

IV. Movement and escort logs of the Petitioner on each court production date

e) Direct the constitution of a Medical Board comprising three senior doctors from an independent Government Hospital, to examine the Petitioner, prepare a fresh M.L.C, and submit a sealed report to this Hon'ble Court within a fixed time frame, detailing past and present injuries and treatment.

f) Direct the Respondent No. 2 i.e. Director General (Prisons) to immediately segregate the Petitioner from his aggressors and lodge him in a separate safe cell or ward, ensuring 24-hour CCTV coverage, non-access of the offending inmates, and daily medical monitoring till further orders of this Hon'ble Court.

g) Direct the Respondents to ensure that no retaliation or reprisal of any kind is made against the Petitioner or his family members for filing of this petition, and to provide confidential access to his counsel and family through monitored video-conference once every week, under the oversight of the Delhi State Legal Services Authority (DSLISA).

h) Direct the Respondent No. 1 i.e. State of GNCTD to consider granting interim compensation to the Petitioner for the custodial assaults already suffered, without prejudice to his right to pursue damages under the public law remedy recognised in Nilabati Behera v. State of Orissa and D.K. Basu v. State of West Bengal.

i) Direct the Respondent No. 1 and 2 to file affidavits of compliance with respect to the above directions within a specified time period, and to ensure that the Delhi State Legal Services Authority (DSLISA) or an independent officer submits periodic inspection reports regarding the Petitioner's condition, at intervals of two weeks, until the Hon'ble Court directs otherwise.

j) Issue such other and further writ(s), order(s), or direction(s) as this Hon'ble Court may deem fit, proper and just in the interest of justice, equity and fair play, including continuing mandamus for supervision of compliance and periodic reporting.

k) This Hon'ble Court may, direct periodic reports from the DG



(Prisons), NHRC, ensuring that compliance is ongoing and not merely formal.”

4. Mr. Rahul Tyagi, ASC for the State, at the outset, denies the allegations levelled in the petition. However, he clarifies that such denial ought not to be construed as the State’s disregard to the seriousness of the allegations. He submits that, in the absence of a formal inquiry, he is presently instructed to deny the allegations; nevertheless, since the Petitioner has levelled grave allegations within the jail premises, the State shall not treat the matter lightly; the allegations shall be duly inquired into and, if found to be true, the strictest possible action shall be taken against those responsible.

5. In this regard, Mr. Tyagi draws the attention of this Court to an order dated 28th October, 2025 passed by a Division Bench of this Court in W.P.(CRL.) 2898/2024. Pursuant to the said order, the CBI has registered FIR/RC No. RC0032025A0058 under Section 120-B IPC read with Section 386 IPC and Section 61(2) read with Section 308(5) of the Bharatiya Nyaya Sanhita, 2023, as well as Section 7 of the Prevention of Corruption Act, 1988, concerning allegations of a similar nature. He further submits that the Directorate of Vigilance, GNCTD has also appointed an Inquiry Officer to examine possible administrative lapses. In this background, he proposes that the allegations raised by the Petitioner may suitably be placed before the vigilance authorities, within the scope of the ongoing inquiry.

6. The Court has considered the aforesaid and is of the opinion that, considering the gravity and seriousness of the allegations levelled by the Petitioner, which are supported by *prima facie* material on record, the same cannot be brushed aside. Alleged lapses in the administration and



supervision of jail premises, particularly those relating to the safety and treatment of inmates, raise matters of serious concern. Any lapse that has the potential to endanger the life and well-being of persons in custody, who are under the protection of the State, warrants a fair and impartial examination through appropriate mechanisms.

7. In view of the submission made by Mr. Tyagi that a CBI investigation is already in progress in FIR/RC No. RC0032025A0058, which pertains to similar allegations, it is directed that the present writ petition, along with the material placed on record, be forwarded to the Investigating Officer in the said case, who shall treat the same as a complaint. Upon conducting a preliminary inquiry, it shall be open to the Investigating Officer to determine as to whether the allegations warrant registration of a separate case or can be appropriately examined as part of the ongoing investigation in FIR/RC No. RC0032025A0058, in accordance with law.

8. In addition to the above direction, the present petition be also forwarded to Directorate of Vigilance, GNCTD as a representation, who shall examine the same, in accordance with law.

9. Needless to state, the Petitioner's request for transfer from Central Jail, Mandoli to any other district jail is not being acceded to, at this stage. However, in the event the outcome of the aforesaid investigation/inquiry discloses merit in the allegations levelled by the Petitioner, he shall be at liberty to seek appropriate reliefs before the competent forum, in accordance with law.

10. Similarly, the Petitioner's claims for compensation and other related reliefs are also kept open, to be considered subject to the result of the ongoing investigation and inquiry. As regards the Petitioner's prayer for



preservation of CCTV footage and other evidence, it shall be open to the Investigating Officer in FIR/RC No. RC0032025A0058 to take such steps as may be necessary to secure relevant material, in accordance with law.

11. The Court has not commented on the merits of the allegations raised by the Petitioner. All rights and contentions of the parties are left open.

12. Copy of the order be communicated to the concerned Investigating Officer and Jail Superintendent for necessary information and compliance.

13. Copy of the order be also sent to the Directorate of Vigilance, GNCTD, for necessary information and compliance.

14. With the above directions, the present petition is disposed of along with pending application(s).

SANJEEV NARULA, J

NOVEMBER 7, 2025/ab