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

\+ CRL.REV.P. 134/2026

CENTRAL BUREAU OF INVESTIGATION .....Petitioner

Through: Mr. Tushar Mehta, SG, Mr. S.V. Raju, ASG, Mr. D.P. Singh, ASG, Mr. Zoheb Hossain, Mr. Manu Mishra, Ms. Garima Saxena, Mr. Vivek Gurnani, Ms. Tanvi Jain, Mr. Pranjal Tripathi, Mr. Imaan Khera and Mr. Digvijay Singh, Advocates.

versus

KULDEEP SINGH & ORS. .....Respondents

Through: Nemo.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

O R D E R

% 09.03.2026

CRL.M.A. 6854/2026 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

CRL.REV.P. 134/2026 & CRL.M.A. 6853/2026

3. The petitioner Central Bureau of Investigation (hereafter '*CBI*') has filed the present petition, seeking the following reliefs:

> " a. Set aside Order dated 27.02.2026 passed by the Ld. Court of Sh. Jitendra Singh, Ld. Special Judge, (PC Act) CBI-23, (MPs/MLAs cases), Rouse Avenue District Courts, New Delhi in the matter titled as 'Central Bureau of Investigation

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v. Kuldeep Singh and Ors.' bearing case number 'CBI No. 56 of 2022' arising out of FIR RC-003 2022 A 0053 dated 17.08.2022, to the extent mentioned above; and

b. Call for the entire case records in the matter titled as 'Central Bureau of Investigation v. Kuldeep Singh and Ors.' bearing case number 'CBI No. 56 of 2022' arising 49 out of FIR RC-003 2022 A 0053 dated 17.08.2022…"

4. No one has appeared on behalf of any of the 23 respondents, when the case was taken up for hearing, though all the respondents have been duly served and proof of service has been filed on record by CBI. However, since CBI has urged that there is urgency in this matter, arguments were heard.

5. The learned Solicitor General, Sh. Tushar Mehta has addressed arguments for setting aside the impugned order. Arguments were also heard on the application for grant of stay of the order dated 27.02.2026, impugned before this Court.

6. During the course of arguments, the learned SG has drawn this Court's attention to various observations and findings recorded by the learned Trial Court in the impugned order dated 27.02.2026, *vide* which all the 23 accused persons in FIR RC-003 2022 A 0053 dated 17.08.2022 have been discharged. The learned SG has taken this Court through the evidence collected by the CBI, which had been filed before the learned Trial Court, by way of chargesheet and supplementary chargesheets. It is argued that the learned Trial Court has ignored crucial and admissible evidence at the stage of charge itself, has not taken into consideration that it was to only take a *prima facie* view of evidence collected by the prosecuting agency at the stage of charge, and has rather conducted a full-

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fledged trial at the stage of charge itself. The attention of this Court was also drawn to certain observations made by the learned Trial Court, which are factually incorrect, contrary to the evidence placed before the learned Trial Court by way of statements of the witnesses recorded by the Investigating Agency and approvers recorded by the Judicial Magistrate. It is also urged that some scathing remarks have been made against the Investigating Officer in the impugned order, which at this stage, were uncalled for and, therefore, it is prayed that the operation of the impugned order to that extent be stayed.

7. In addition, it is also stated that in view of the impugned order, since all the accused persons have been discharged and observations have also been made with regard to the case filed by the Directorate of Enforcement regarding the offence of money laundering connected with this matter, this being predicate offence, an appropriate order be passed by this Court to ensure that the case filed under the provisions of PMLA, 2002 is not affected by virtue of this order.

8. After hearing arguments on behalf of CBI, since the respondents remained absent despite service of advance notice, this Court is of the opinion that certain factual discrepancies pointed out in the impugned order, the observations made by the learned Trial Court regarding statements of the witnesses and the approvers, at the stage of charge itself, *prima facie* appear erroneous, and need consideration when viewed in the background of well-settled law on charge and conspiracy, as to whether such observations could have been made at the stage of charge itself.

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9. In these circumstances, issue notice to all 23 respondents, by all permissible modes, including electronically, as also through the concerned Investigating Officer, returnable on the next date of hearing. *Dasti* as well.

10. Reply, if any, be filed by the respondents before the next date of hearing, with an advance copy to the learned counsel for the petitioner.

11. Let the Trial Court Record, in digitized form, be called for, at least two days prior to the next date of hearing.

12. List on 16.03.2026.

13. In the meantime, the learned Trial Court, where the proceedings regarding the connected case filed by the Directorate of Enforcement are pending, is requested to adjourn the case to a date, later than the date fixed before this Court, and await the outcome of the present case.

14. As far as the argument regarding stay of the remarks made *qua* the investigating officer of the case is concerned, this Court takes note of the fact that such scathing remarks recorded in the impugned order, and the reasons given for passing such remarks including, concluding that the investigating officer has abused his official position to conduct unfair investigation, are *prima facie* foundationally misconceived especially when made at the stage of charge itself. *Needless to say*, at this stage, the reasons given for passing such remarks are also under challenge in the present petition and need consideration as opined by this Court.

15. In view of the aforesaid, the observations limited only *qua* the Investigating Officer are stayed, till the next date of hearing, including

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the direction recommending departmental action against him.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 09, 2026/A

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