



2026:DHC:969



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

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Date of Decision: 05.02.2026

+ **CRL.M.C. 1014/2026, CRL.M.A. 3943/2026 & 3942/2026**

STATE NCT OF DELHI

.....Petitioner

Through: Mr. Utkarsh Singh, APP for State
with Inspector Vikas, PS Crime
Branch

versus

ASHA KAUR

.....Respondent

Through: None

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The petitioner State seeks cancellation/setting aside of regular bail granted by the learned trial court to the respondent by order dated 25.09.2025 in case FIR No. 161/2025 of Police Station Crime Branch, North-West under Section 21/25/29 NDPS Act.

2. Learned APP for State assisted by IO/Inspector Vikas submits that against order dated 25.09.2025, to the extent of denial of police custody, State has also filed a revision petition before this Court.

3. Broadly speaking, the circumstances leading to the present application are as follows. The respondent/accused surrendered before the



trial court of learned Special Judge, NDPS Act and the learned court allowed her interrogation by the investigating officer in court premises till post lunch session. Subsequent to her interrogation, the learned trial court took up her bail application and after hearing both sides, admitted the respondent/accused to bail subject to certain conditions.

4. Cancellation of bail granted to the respondent/accused is sought only on the ground that the bail was wrongly granted. Learned APP for State, in all fairness, clarifies that the cancellation of bail is not being sought on account of any supervening circumstance, much less, on any allegation of misuse of liberty. Learned APP for State submits that the learned trial court ought not to have granted bail in view of seriousness of the offence and nascent stage of the investigation.

5. On being called upon to disclose any admissible evidence against the respondent/accused on the basis whereof she could be deprived of liberty by the trial court, learned APP for State submits that the evidence is in the form of confessional statement of son-in-law of the respondent/accused. Further, it is submitted by learned APP for State that in the course of her interrogation in the court premises, the respondent/accused after certain stage refused to answer the queries. Since the respondent/accused was evasive in her interrogation, she ought not to have been granted bail.

6. So far as the stand taken by the State that during interrogation the respondent/accused was evasive, I find no merit in the argument. It is the investigatorial skills of the interrogator, which are important. If the



interrogator is not skilled, the interrogatee cannot be blamed as being evasive, much less, for the purposes of bail.

7. Ultimately, there is no incriminating evidence on the basis whereof liberty of the respondent/accused could be curtailed. Significantly, in the remand application (*copy whereof is Annexure P-6*), there is not even a whisper if any incriminating article has to be recovered from the respondent/accused. The confessional statement of son-in-law of the respondent/accused, which was recorded when he was in police custody, did not lead to any recovery with which the respondent/accused could be connected.

8. I am unable to find any infirmity in the impugned order, whereby the respondent/accused was admitted to bail subject to a number of conditions which would ensure that she attends the trial and does not interfere with the prosecution evidence.

9. Therefore, the impugned order is upheld and the present petition and the accompanying applications are dismissed.

10. Copy of this order be sent to learned trial court.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 05, 2026/as