



2026:DHC:3108



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

% *Date of Decision: 15.04.2026*

+ **W.P.(CRL) 1202/2026, CRL.M.A. 11491/2026 & 11490/2026**

ABHISHEK ANAND

.....Petitioner

Through: Mr. N. Hariharan, Mr. AS Chandhiok
Sr. Advocates with Mr. Karan Kohli,
Mr. Prateek Bhalla, Ms. Mallika
Chadha, M.s Rekha Punya, Mr. Aman
Akhtar and Mr. Kunal Godhwani,
Advocates.

versus

UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF
HOME AFFAIRS & ORS.Respondents

Through: Mr. Vikrant Pachnanda, SPP with Mr.
Mukul Katyal and IO Jyoti Shankar
Sah for CBI.
Mr. Amit Tiwari, CGSC with Mr.
Kushagra Malik, Advocate for UOI.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1 Petitioner has assailed notice dated 10.04.2026 bearing no. 1044/059/2026/A/0002/CBI/STB/New Delhi under Section 94 and 179 BNSS. Apart from that, the petitioner has sought two more reliefs. For ready reference the prayer clause of the petition is extracted below:



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“a. Issue a Writ, Order or Direction in the nature of Certiorari/Mandamus or any other Writ, Order or Direction thereby Setting Aside/ Quashing the Notice dated 10.04.2026 bearing No. 1044/059/2026/A/0002/CBI/STB/New Delhi under Sections 94 and 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023 issued by the Respondent No. 2 (CBI) through Respondent No. 3; and

b. Issue a Writ, Order or Direction in the nature of Mandamus/Certiorari or any other Writ, Order or Direction thereby directing Respondent No.2 and 3 to not to issue any further Notice upon the Petitioner in relation to Investigation in CBI Case RC 0592026A0002/CBI/STB/New Delhi;.

*c. Issue a Writ, Order or Direction in the nature of Mandamus/Certiorari or any other Writ, Order or Direction thereby directing Respondent No.2 and 3 to not to violate directions issued by the Hon'ble Supreme Court of India in **Summoning Advocates who give legal opinion or represent parties during investigation of cases & related issues, In Re, 2025 SCC OnLine SC 2320.***

d. Pass such other and further Orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”

2. Learned Special Public Prosecutor for CBI along with the Investigating Officer/DSP Jyoti Shankar Sah accepts notice and at the outset submits that the petition deserves to be allowed since according to the IO, it is under mistaken impression of legal position that he had issued the impugned notice to the petitioner, despite the admitted position that the petitioner had only extended his legal opinion to a witness.

3. The IO submits that he wants to withdraw the impugned notice.

4. Accordingly, as requested by both sides, the petition is allowed and



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consequently the impugned notice is set aside; and the present respondents are directed not to issue any further notice to the petitioner in connection with the subject investigation, but in case the investigating officer comes across some other material leading to complicity of the petitioner in his personal capacity instead of his professional capacity, appropriate action in accordance with law shall be taken.

5. Accompanying application also stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 15, 2026/ry