



2026:DHC:2344



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

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Date of Decision: 20.03.2026

+ **BAIL APPLN. 3795/2024 & CRL.M.A. 31504/2024**

GULAM NABI

.....Petitioner

Through: Mr. Sona Lal, Advocate.

versus

STATE (THROUGH SHO PS KHAJURI KHAS)Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Priti.
Mr. Arjun Malik, Advocate for
complainant.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 468/2024 of PS Khajuri Khas for offence under Section 117(2)/79/351(3)/64(1)/74/3(5) BNS.

1.1 This anticipatory bail application came up for the first hearing on 21.10.2024 before the predecessor bench and thereafter continued getting



adjourned before different benches. On 21.10.2024, going by the submission of learned counsel for the accused/applicant that the allegations are *ex facie* unbelievable, the learned predecessor bench directed that subject to the accused/applicant joining investigation, he shall not be arrested till next date. That order continues on date to date basis till date. Along with 179 such old pending bail applications, this application also was transferred to this bench.

1.2 Today is the first hearing before me.

2. It appears that till date, there is no status report of the State to oppose this anticipatory bail application. On this aspect, learned APP for State expresses anguish that despite repeated reminders, the investigating officers and even the SHOs concerned do not respond. Even in the present case, it is submitted by learned APP that till yesterday he kept taking up the matter with the concerned SHO of Khajuri Khas for status report, but to no avail. Rather, even IO of the case has not been sent and instead one Sub Inspector Priti has appeared but without the investigation file.

3. It is being very frequently observed that the status reports are either not filed or the same are just handed across the board, which causes unnecessary adjournments. That is not how liberty of an individual has to be dealt with. It seems that the higher authorities of police are completely unaware about this aspect of working at grassroot levels.



4. Further, it has been repeatedly pointed out that few years ago, the regular practice in bail matters was that the investigating officers used to meet the prosecutor and brief her/him before the court sitting commenced. In such circumstances, prosecutors used to be fully equipped to oppose or not oppose the bail applications. But now, it is observed that what to say of briefing the prosecutors in advance, the investigators would either not appear or appear without file or would try to brief the prosecutor inside the courtroom even subsequent to commencement of court sitting.

5. In the present case, conduct of Delhi Police in not filing status report till date and not sending the investigating officer to assist the court and the prosecutor conveys that police is not interested in opposing this anticipatory bail application. But that disinterest should not be a ground for this Court to ignore the nature of allegations.

6. The allegations against the accused/applicant are very serious. It would be apposite to extract the English translation of the FIR as annexed with the present anticipatory bail application:

“To, The SHO , Delhi 110094, Sir, I GXXX w/o Dxxx age XX years residing at H.no XXXXXX I got married to Dxxx s/o Mo Ejaz on 5th July 2023, We have been married for almost one year and two months now. I have a son Haider s/o Dxxx, age x months. The thing is that after some time of marriage, my husband and in-laws started harassing me. My husband used to beat me on small small things and threatened to give me divorce. Out of fear of divorce, I told these things to my mother-in-law (Rahila) and father-in-law (Ejaz), then they started abusing me and said that whatever he does to you, he does it for the right thing, he will beat you like this only. I complained many times to my elder sister-in-law also, she also said that he beats



me for the right reason, why don't you make husband happy, if you do this, then all of us and Dxxxx will not trouble you nor will we beat you. My husband told me many times that whatever my brother-in-law wants from you, do it and make him happy, if you don't do this then I will kill you and divorce you My brother-in-law Bilal also touched me with wrong intentions many times and made obscene gestures. Sometimes he used to touch my chest and sometimes my waist. When I used to oppose, my in-laws would unite and blame me. They used to say that this is what happens in our place and you will also have to live like this. I tried many times to tell all this to my family members, but my in-laws neither let me talk to my family nor allowed me to meet them. If I tried to tell my family members, my husband, mother-in-law, and brother-in-law would beat me up. Today on 16/09/2024 at around 10:00 or 10:30 I was in my room, my husband was also present there, then my brother-in-law Naved came and caught me from behind and said forcefully, Bhabhi, please make me happy today, my husband was watching all this and said, do as my brother-in-law has said, otherwise I will kill you, when I opposed them, then both of them together beat me badly with kicks, punches and slaps. Meanwhile, my brother-in-law Naveed put his hand in the salwar I was wearing and put his finger in my private part and forced himself on me with wrong intentions. When I opposed, both of them beat me badly. I also shouted a lot but no one from my in-laws' house came to save me nor did they let me leave the house. After all this, my brother-in-law left from there. The next morning I told my husband that you all have done wrong to me and I have to go to the police station. On hearing this, he beat me again And they all together threw me out of the house. They gave me my son and said, now take him also and go away from here. If you come here again, we will kill you.

Remaining part of action taken by the police.”

(emphasis supplied)

7. Learned counsel for accused/applicant submits that the FIR alleges false allegations and it was only a matrimonial dispute, which has got settled now between the prosecutrix and her husband. Learned counsel for complainant *de facto* strongly opposes the bail application, expressing no information about any such alleged settlement.



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8. Considering the above circumstances, especially the nature of allegations, I do not find it a fit case to grant anticipatory bail. The anticipatory bail application is dismissed. Accompanying application stands disposed of.

9. The accused/applicant is directed to surrender before the Investigating Officer by 05:00pm tomorrow (21.03.2026).

10. Copy of this order be sent to the DCP (Legal Cell) of Delhi Police through the Standing Counsel with the hope that the prosecution of bail matters shall be streamlined.

**GIRISH KATHPALIA
(JUDGE)**

MARCH 20, 2026/ry