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

% *Date of Decision: 26.11.2026*

\# **CNR No. DLHC010448962026**

\+ **BAIL APPLN. 3965/2026**

SIMRANJEET KAUR .....Petitioner

Through: Mr. Rahul Bharti, Ms. Priti Kumar and Ms. Laxmi, Advocates

versus

STATE NCT OF DELHI AND ANR. .....Respondents

Through: Mr. Amit Ahlawat, APP for State with SI Nimesh Yadav and SI Dilsukh.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 121/2024 of PS Begumpur, Delhi for offence under Section 370(4)/120B/34 IPC and Section 81 of Juvenile Justice (Care and Protection of Children) Act.

2. After last date status report was filed. I have heard learned counsel for accused/applicant and learned APP for State, assisted by Investigating Officer/SI Dilshukh.

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3. Broadly speaking, according to prosecution, the accused/applicant is involved in infant trafficking racket. It is alleged that the accused/applicant, working as an Asha worker, with the help of her associates, used to identify and approach poor, illiterate and socially vulnerable persons and induced them by projecting prospective buyers as prospective adoptive parents and thereafter used to handover new born babies to those buyers in consideration of money.

4. Learned counsel for accused/applicant submits that she is innocent and is facing incarceration since 20.02.2024, without any evidence collected against her.

5. Learned APP for State submits that the evidence collected against the accused/applicant is a CCTV footage depicting the accused/applicant carrying an infant in her lap and also screenshots of her mobile phone depicting multiple photographs of infants. There is no other evidence against the accused/applicant that can be legally admissible against her.

6. As regards the alleged CCTV footage, the Investigating Officer submits that before sending the DVR to FSL, he did not retain a copy of the DVR video but took four photographs of the video being played. I have seen those photographs. Face of the lady is visible in only one of those photographs, but the same is not identifiable. Besides, if the Investigating Officer could take pictures of the video being played, nothing explains as to why he did not retain copy of the video before sending the DVR to FSL.

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7. As regards the alleged screenshots, the Investigating Officer has shown few black and white pictures, but those are not screenshots. Those are the pictures of one mobile phone depicting certain conversations with some Dr. Gidharbha. From those pictures, it cannot be ascertained that the same were of mobile phone of the accused/applicant. It is stated by the Investigating Officer that mobile phone of the accused/applicant has been sent to the FSL. But there is no explanation as to why before sending the mobile phone to FSL, its mirror image was not retained by the Investigating Officer. Moreover, there is no explanation as to why mobile phone of Dr. Gidharbha was not seized to show that the same contains pictures of infants shared by the accused/applicant from her mobile phone.

8. As per prosecution, no other evidence has been collected against the accused/applicant. Without any reliable evidence to connect the accused/applicant with such a serious offence, it would not be appropriate to keep her in jail. Even the fundamental principles of investigation seem to have been completely ignored by investigators of this case. It is indeed unfortunate that even in such a serious case involving the alleged trading of infants, the investigation is completely shoddy and bungled, to say the least.

9. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to her furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction

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of the Trial Court/Duty Magistrate.

10. Copy of this order be sent to the concerned DCP to look into the manner in which even such a serious case has been investigated. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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GIRISH KATHPALIA
(JUDGE)

NOVEMBER 26, 2026/*as*

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