



2026:DHC:630



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

% *Date of Decision: 27.01.2026*

+ **BAIL APPLN. 4481/2025**

GULZARPetitioner

Through: Mr. M.K. Mishra, Advocate.

versus

THE STATE OF N.C.T. OF DELHIRespondent

Through: Mr. Sanjeev Sabharwal, APP for State
with SHO/Inspector Vishwanath, PS
NDRS.

+ **BAIL APPLN. 4515/2025**

GULZARPetitioner

Through: Mr. M.K. Mishra, Advocate.

versus

THE STATE OF N.C.T. OF DELHIRespondent

Through: Mr. Sanjeev Sabharwal, APP for State
with SHO/Inspector Vishwanath, PS
NDRS.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR Nos. 106/2025 &



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107/2025 of PS New Delhi Railway Station for offence under Section 305(c)/317(c)/3(5) BNS.

2. To begin with, last order passed in these bail applications is extracted below:

“1. The accused/applicant seeks regular bail in case FIR No. 106/2025 and FIR No. 107/2025 of PS New Delhi Railway Station for offence under Section 305(c)/317(c)/3(5) BNS.

2. At the outset, it is shocking to hear from learned counsel for accused/applicant that during pendency of these bail applications, the accused/applicant has already been released on bail by the learned Additional Chief Judicial Magistrate concerned. On further query, it is disclosed by learned APP that the learned ACJM concerned was not apprised about pendency of this bail application before this Court. From orders dated 03.01.2026 of the learned ACJM also, it appears that pendency of the present application before this Court was concealed from that court.

3. As reflected from status report submitted by prosecution in this case, the accused/applicant is involved in 17 cases of similar nature, registered by different police stations. It appears that even this information was concealed from the learned ACJM.

4. Further, it is submitted by learned APP for State that the status report dated 03.01.2026 was filed before the trial court by HC Dinesh Kumar as the concerned investigating officer HC Manoj Kumar was on leave. But one wonders as to what the SHO concerned was doing. In fact, it is for this reason only that even this Court has been repeatedly directing through judicial orders that whenever the investigating officer is not available, it is the SHO, who must personally appear before the court in bail matters. Copies of those judicial orders have been repeatedly sent to the concerned DCPs and even the Commissioner of Police. But to no avail. In the present cases, the least the SHO could have done was to examine the status report before the same was filed before the trial court, leading to grant of bail despite pendency of the application in this Court.

5. Learned APP submits that they are contemplating to move an application for cancellation of bail orders before the trial court. But, it remains unexplained as to what prevented them from doing so during the period from 03.01.2026 till this day.



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6. The concerned DCP shall personally file report explaining the action, if any, taken regarding filing of false status report before the trial court and concealment of pendency of these applications. The said report shall be filed by the concerned DCP within three days.

7. For compliance, a copy of this order be sent to the Commissioner of Police.

8. A copy of this order also be immediately transmitted to the concerned trial court.

9. Relist on 27.01.2026 in Advance List."

3. Subsequent to the last date, fresh status report dated 21.01.2026 has been received from the DCP concerned, according to which, appropriate action against HC Dinesh and the SHO has been initiated. The SHO/Inspector Vishwanath present in court expresses genuine regret and remorse that on account of heavy workload he could not cross check the status report filed earlier.

4. Learned APP for State submits that they have already filed an application seeking cancellation of bail before the learned Court of ACJM, which application is now listed on 29.01.2026.

5. To reiterate, during pendency of the present bail application, the accused/applicant filed another bail application before learned ACJM, concealing the pendency of the present bail application. Learned counsel for accused/applicant submits that the other application was not filed by him but by another lawyer, though both lawyers are based in Karkardooma Court.

6. On instructions of the SHO, learned APP informs that the bail



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application filed before ACJM was not signed or thumb marked by anyone and the same was not supported with affidavit of any *paikar* also, though the *vakalatnama* filed with that application bears thumb mark of the accused/applicant.

7. Considering the above circumstances, both these applications are dismissed.

8. The SHO shall place a copy of this order before the learned ACJM forthwith.

**GIRISH KATHPALIA
(JUDGE)**

JANUARY 27, 2026/ry