



2026:DHC:3562



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

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Date of Decision: 27.04.2026

+ **CRL.M.C. 3211/2026, CRL.M.A. 13019/2026, 13020/2026 & 13018/2026**

HITESH KUMAR

.....Petitioner

Through: Mr. Pritish Sabharwal, Advocate
(*through video conferencing*)

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with Inspector Ashwani Kumar and
SI Sunil Sihag.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Petitioner has assailed order dated 21.02.2026 of the learned Court of Sessions. It is contended by learned counsel for petitioner that the learned Court of Sessions exceeded its jurisdiction and directed further investigation into the offence. It is contended that while dealing with bail application of the petitioner, the learned Court of Sessions had no jurisdiction to exercise powers under Section 156(3) CrPC. It is further contended that on account of the impugned order, bail application of the petitioner would get adversely decided.



2. Having examined the record, I am unable to accept the contentions of learned counsel for petitioner.
3. It is not that the learned Court of Sessions exercised any power under Section 156(3) CrPC and/or directed further investigation.
4. For a clear understanding, paragraph 23 of the impugned order, which according to learned counsel is the core of the dispute, is extracted below:

“23. In view of the fact that in the charge-sheet itself it has been mentioned that the investigation regarding the money trail is yet to be conducted, this court does not find any ground to grant bail to the applicant at this stage. Consequently the application at hand is dismissed. However, it is also observed here that the applicant cannot be kept in custody for perpetuity while the complainant and the police sleep over the further investigation required to be conducted in this case. Therefore, a copy of the order be sent to the DCP concerned with directions to monitor further investigation in this case and to trace the proceeds from the alleged sale of the properties to the complainant at the earliest.”

5. As is obvious from above extract, the Court of Sessions while dismissing the bail application observed that the present petitioner cannot be kept in custody for perpetuity and the police has to be diligent in completing further investigation for which it had explained in the chargesheet. As explained in the chargesheet, investigation as regards money trail was yet to be conducted and after that supplementary chargesheet had to be filed, the learned Court of Sessions simply directed the concerned DCP to monitor the further investigation and conclude the same at the earliest. The idea was to



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ensure that the petitioner/accused is not kept in jail unnecessarily.

6. I am unable to find any infirmity in the impugned order, so the same is upheld and the petition and accompanying applications are dismissed.

7. Although the petition is completely frivolous, cost is not being imposed keeping in mind that the petitioner is in jail.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 27, 2026/ry