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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 12th May, 2026+ CRL.M.C. 1703/2025 & CRL.M.A. 7630/2025
ABDUL RABBANI @ RABBA

.....Petitioner

Through: Mr. Amit Saxena with Dr. Sachin Hitkari, Mr. Nikhil Kumar, Mr. Krishna Gopal Singh and Mr. Abhishek Sharma, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for the State with ASI Pawan.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The petitioner-Abdul Rabbani @ Rabba seeks quashing of order dated 30.09.2024 whereby he has been declared *absconder* by the concerned Court.
2. FIR No.261/2024 was registered by P.S. Samaipur Badli under Section 20 of *Narcotic Drugs and Psychotropic Substances Act, 1985*. The police team acted upon a tip-off given by secret informer and apprehended one Ms. Savita on 11.03.2024 and from her conscious possession 1.5 kg *Ganja* was recovered.
3. During interrogation Ms. Savita disclosed the name of the petitioner herein as "*source*" of the abovesaid contraband and led the police party to his house i.e. House No. 173, AA-Block, near Fortis Hospital, Shalimar Bagh,



4. Since the petitioner, despite affixation of notice outside his abovesaid premises did not come forward to join the investigation, warrants were issued against him and, eventually, he was declared *absconder*.

5. Learned APP for the State, in all fairness, revealed that as far as main perpetrator Ms. Savita is concerned she pleaded guilty before the learned Trial Court and was, accordingly, convicted and sentenced on the basis of her such *plea* of guilt.

6. Learned counsel for the petitioner submits that, as per the *pointing out memo* prepared at the instance of convict Ms. Savita Devi, she had led the police party to applicant's house i.e. house No. 173, AA-Block, near Fortis Hospital, Shalimar Bagh, where accused, as alleged, used to reside. He was the one who had allegedly supplied her *Ganja* but fact remains that as per the admitted position, the warrants were issued for different address i.e. 173, A-Block near Fortis Hospital, Shalimar Bagh, Delhi. In this regard, learned counsel for the petitioner draws attention of the Court to the statement of concerned process server which was recorded on 30.09.2024, and also to the process, which also contains the address as 173, A-Block, near Fortis Hospital, Shalimar Bagh, Delhi.

7. He submits that even if the prosecution case is believed *in toto*, as per the disclosure made by the co-accused and the pointing out, petitioner was resident of "AA Block", and not of "A Block" and, therefore, the entire proclamation is premised on service, effected upon wrong address.

8. Learned APP for the State submits that the petitioner was always aware about the entire matter and is, merely, trying to dig out advantage on account of trivial technical point. He submits that, even otherwise, the address of 173, A-Block was correct address on which he was, actually, residing. According



to him, there are other cases against him also and in those other cases also, the address is mentioned as 'A' Block.

9. Fact, however, remains that as far as the involvement of the petitioner in the present case is concerned, it emanates from the *pointing out memo* prepared at the instance of his co-accused and, somehow, no process has been sent to the premises which was pointed out by his co-accused.

10. Learned counsel for the petitioner submits that applicant has never evaded any process and is ready to join the investigation, as and when so directed.

11. Keeping in mind the overall facts of the case and, in particular, the fact that the main accused Savita has already pleaded guilty and the fact that process was not sent on the address as pointed out by the main accused, this Court, while setting aside the impugned order, directs the petitioner join investigation and to report to ASI Pawan at Dariyapur Police Post, 1st Floor, on 14.05.2026 at 4:00 P.M.

12. The present petition is disposed of in aforesaid terms.

13. Pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

MAY 12, 2026/ss/pb