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

% *Judgment reserved on: 13.01.2026*
Judgment pronounced on: 29.01.2026
Judgment uploaded on: 29.01.2026

\+ **CRL.M.C. 242/2026**

VIJAY GUPTA .....Petitioner

Through: Mr. Puneet Singh, Mr. Chetan, Mr. Naman Jain and Mr. Shubham Sharma, Advs.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Naresh Kumar Chahar, APP for the State with Ms. Amisha Dahiya, Adv.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

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DR. SWARANA KANTA SHARMA, J

1. By way of present petition, the petitioner seeks revival and reconsideration of a bail application, dismissed by the learned ASJ, Special Court POCSO/ASJ-01, Karkardooma Courts, Delhi [hereafter '*Trial Court*'] *vide* order dated 17.10.2025 [hereafter '*impugned order*'], solely on the ground that the application was "too voluminous and bulky" and that going through the same would "consume precious judicial time."

FACTUAL BACKGROUND & SUBMISSIONS BEFORE THE COURT

2. Brief facts of the case, as set out in the petition, are that the petitioner herein was arrested on 30.08.2024 in case arising out of FIR No. 411/2024, registered at Police Station Kalyanpuri, Delhi for offences punishable under Section 65(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 6 and 21 of the Protection of Children from Sexual Offences Act, 2012. The first bail application filed by the petitioner was dismissed on 16.11.2024, and the petitioner asserts that the learned Trial Court had not considered the CCTV footage relied upon by the petitioner to show his presence in a temple, at the time when the alleged incident had taken place. Thereafter, the petitioner had filed a second bail application on 04.10.2025, under

Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, primarily raising the ground of violation of Article 22(1) of the Constitution on account of non-communication of the grounds of arrest. Notice on the said bail application was issued on 06.10.2025 and the matter was listed for final arguments on 17.10.2025. However, on the said date, the learned Trial Court dismissed the bail application on the ground that it was too voluminous and bulky, observing that it ran into about 500 pages along with annexures. The learned Trial Court further advised the petitioner to file a fresh and concise application.

3. The learned counsel appearing on behalf of the petitioner argues that the impugned order is illegal and arbitrary as it violates the fundamental principle of natural justice, i.e. audi alteram partem, inasmuch as the petitioner was denied a meaningful opportunity of being heard on the merits of the bail application, despite the matter having been listed for final arguments. It is contended that once notice had been issued and the application was fixed for final hearing, the learned Trial Court was duty-bound to hear the petitioner on merits and could not have dismissed the application on a technical ground without addressing the issues and contentions raised therein. The learned counsel further argues that the learned Trial Court failed to consider or adjudicate the specific contention raised by the petitioner regarding violation of Article 22(1) of the Constitution of India, i.e. non-communication of the grounds of arrest. It is submitted that the Hon'ble Supreme Court in ***Vihaan Kumar v. State of***

Haryana: *2025 INSC 162* has categorically held that such a constitutional plea cannot be ignored and must be decided one way or the other. It is also contended that dismissal of the bail application solely on the ground of it being too voluminous or bulky is clearly arbitrary and contrary to the settled judicial practice. The learned counsel submits that the pleadings were concise, and the bulk of the record consisted of supporting judgments of the Hon'ble Supreme Court and this Court, which were annexed with the bail application only to assist the learned Trial Court. It is argued that relying on judicial precedents is an integral part of advocacy and cannot be treated as a ground to dismiss a bail application of an accused without hearing him. The learned counsel, therefore, submits that the impugned order reflects a failure to exercise the jurisdiction vested in the learned Trial Court and warrants interference by this Court, as the petitioner was denied a fair consideration of his bail application on merits and an effective opportunity of being heard.

4. The learned APP appearing for the State submits that the learned Trial Court did not adjudicate upon the merits of the bail application and dismissed the same solely on the ground that the application, along with the annexures, was voluminous. It is contended that the Trial Court, while doing so, granted liberty to the petitioner to file a fresh and concise bail application and, therefore, the impugned order was not intended to foreclose consideration of the petitioner's case on merits. The learned APP, however, fairly does not dispute that the dismissal was not based on an examination of the

grounds urged in the bail application and that the impugned order proceeded only on the perceived volume of the record. It is submitted that the State would abide by any direction that this Court may deem fit to pass in accordance with law.

5. This Court has **heard** arguments addressed by learned counsel for the petitioner and learned APP for the State, and has perused the material on record.

ANALYSIS *&* FINDINGS

6. The petitioner assails the impugned order on the ground that it was passed without consideration of the grounds urged in the bail application and without affording an opportunity of hearing on merits, despite the matter having been listed for final arguments. It is contended that the learned Trial Court dismissed the bail application solely on the ground that it was voluminous, without examining the merits of the case. According to the petitioner, such dismissal reflects non-application of mind and renders the impugned order legally unsustainable.

7. In order to appreciate the nature of the grievance raised and the manner in which the bail application came to be dismissed, it would be apposite to reproduce the impugned order, which reads as under:

> "At this stage, IO has filed reply to the bail application. It be taken on record. Copy supplied.
>
> Since matter was fixed for arguments on bail application. At this stage, it is revealed that counsel for accused has drafted the bail application in approx. 500 pages along with annexures and for the court it is not possible to go through the same being too

much voluminous.

The undersigned is burdened with the disposal of the old matters. The application of the applicant/accused is hereby dismissed on account of too voluminous and bulky and going to consume precious judicial time to go through the same.

Ld. Counsel for applicant/accused is advised to concise his bail application and is at liberty to file fresh bail application…"

(i) Failure to Consider The Bail Application on Merits and Non-Application of Judicial Mind

8. This Court notes at the outset that the impugned order does not deal with the merits of the bail application *at all*. The dismissal is premised solely on the perceived 'volume of the bail application' and its annexures, with the learned Trial Court expressly observing that it would consume "precious judicial time" and, for that reason alone, advising the petitioner to file a fresh and concise application.

9. This Court is of the considered opinion that once notice had been issued, and the I.O. had filed his reply to the bail application and the matter was listed for final arguments, the learned Trial Court was required to apply its judicial mind to the substantive grounds urged before it, particularly those touching upon the personal liberty of the petitioner. Dismissal of a bail application at the stage of final hearing without considering the grounds on which bail has been sought and without affording an opportunity of making oral submissions on merits, cannot be sustained.

10. This Court is further of the view that as submitted at bar by the learned counsel for the petitioner, one of the principal grounds raised

in the bail application filed before the Trial Court pertained to an alleged violation of Article 22(1) of the Constitution, i.e. non-communication of the grounds of arrest. Thus, the petitioner was seeking bail on the ground that his arrest and continued detention *per se* was illegal. The impugned order is conspicuously silent on this aspect and does not reflect any consideration of the said contention. The failure to examine, or even advert to, such a constitutional plea reflects that the Court did not apply its mind to a material contention raised by the petitioner and thereby failed to exercise the jurisdiction vested in it.

(ii) Right to Hearing and Impermissibility of Dismissal on Grounds of Application being "Too Voluminous or Bulky"

11. This Court is also of the opinion that the right to be heard is not only a procedural formality, especially in proceedings relating to bail, where the liberty of an individual is at stake. The principle of *audi alteram partem* mandates that a litigant must be afforded a meaningful opportunity to advance his case. While courts are justified in insisting upon clarity, brevity, and discipline while drafting pleadings, the mere fact that an application is accompanied by extensive annexures or supporting judgments cannot, by itself, be a lawful ground to dismiss a bail application without adjudication. If the learned Trial Court was of the view that the pleadings required pruning or clarification, appropriate directions could have been issued, *short of* dismissing the application outright.

12. This Court also notes the specific submission advanced by the

learned counsel for the petitioner that **the bail application, in its substantive pleadings, was only about 43 pages in length** and that the remaining pages comprised annexed judgments/judicial precedents of the Hon'ble Supreme Court and this Court, which were placed on record only to assist the Court on the legal issues involved. It was contended that the application was neither lengthy nor unclear, and that the annexures could not have been treated as part of the pleadings so as to justify its dismissal merely on account of volume.

13. This Court is of the considered opinion that even assuming that a bail application runs into several hundred pages, or any number of pages for that matter, the same, by itself, cannot be a lawful or sustainable ground for its dismissal. The length or volume of an application may, at best, warrant appropriate directions to the counsel to confine his or her submissions at the time of addressing arguments, or file written synopsis, or file a short note highlighting the relevant portions of the judicial precedents. *However*, it cannot justify a refusal to exercise jurisdiction or a dismissal without consideration of merits, particularly when the application concerns personal liberty and raises substantive and constitutional issues.

14. **Judicial discipline requires that matters be decided on substance rather than rejected on form, and the liberty of an accused cannot be made to hinge upon the perceived 'bulk' of the papers placed before the Court**.

15. The liberty of a person cannot be curtailed or be made

dependent on the drafting style of a counsel or the annexures he has annexed with the bail application or the workload of the Judge.

16. Indeed, it would be undesirable to file a bail application running into 500 pages and such a situation may certainly call for judicial correction; however, the same cannot result in the outright rejection of the bail application on this ground alone.

(iii) Judicial Time, Docket Pressure, and the True Meaning of "Precious Judicial Time"

17. The record unfortunately reveals that the learned Judge issued notice, called for the report from the IO, took up the matter for hearing only to be rejected just because the Judge thought that hearing of this application will consume its precious time. The time of the Judge in the Court is meant to be consumed for adjudication of the matters listed before it and this is why it is called precious judicial time.

18. This Court is also conscious of the fact that the learned Trial Court recorded that it was burdened with old matters and heavy pendency. While docket pressure is a reality faced by courts at all levels, it cannot be a justification to decline adjudication of a matter already fixed for final arguments, after issuing notice and calling for reply of the I.O., particularly when the liberty of an undertrial is at stake.

19. A bail application cannot be rejected on the ground that a Judge is overwhelmed by the documents filed along with the

pleadings. The impugned order makes it apparent that the learned Trial Court was overwhelmed by the filing of what was perceived to be a voluminous bail application, without noticing that it was not the bail application itself which ran into about 500 pages, but the judgments of higher courts annexed thereto. These judgments were relied upon to substantiate the legal submissions advanced in support of the prayer for bail. The bail application, in fact, runs only into about 43 pages and sets out the grounds on which bail was sought.

20. If Courts were to outrightly dismiss bail applications on the ground that a 43-page application is bulky or voluminous, or that consideration of case law comprising judgments of higher courts would consume judicial time, a large number of bail applications would stand rejected without adjudication.

21. While the learned Trial Court expressed the view that consideration of the bail application would consume "precious judicial time", what appears to have been overlooked is that substantial judicial time had already been spent in the matter. The Court had issued notice on the bail application, called for a reply from the Investigating Officer, and fixed the matter for arguments. Pursuant thereto, the Investigating Officer prepared and filed a detailed reply, the matter was listed before the Court, and counsels for the parties appeared to address arguments.

22. At that stage, to dismiss the bail application solely on the ground of its volume rendered the entire process undertaken till then

– meaningless. The judicial time spent in issuing notice, perusing the reply filed by the prosecution, and listing the matter for hearing had already been expended. Dismissing the application without considering it on merits did not save judicial time; rather, it resulted in a situation where the same exercise would have to be repeated upon the filing of a fresh bail application, which would lead to duplication of proceedings.

23. This Court fails to understand as to how the filing of a fresh application, which would entail drafting a fresh bail application, when even the present bail application ran only into 43 pages, issuance of notice thereon, filing of a fresh reply by the Investigating Officer, and fixation of another date for hearing, would in any manner save the time of the Court. The record, in fact, shows that the learned Judge did not even apply his mind to the record before him. Time is precious for all – whether judicial or legal, for judges as well as lawyers – and each day spent by an individual in jail carries its own story of precious moments being spent in custody in the hope of expeditious adjudication of applications and cases at all levels, so that he may move on to the other remedies available in law, in case his bail application is denied at one level.

(iv) Role of Pleadings, Professional Effort of Counsels, and Limits of Judicial Control over Drafting by Counsels

24. Every pleading that comes before a court is, in essence, a voice seeking to be heard. In today's times, the voice of a litigant reaches the Court through pleadings, whether on paper or electronically. To

treat pleadings as a burden is to miss their true purpose.

25. The role of a judge is to read, understand and adjudicate upon what is placed before the Court. Pleadings are the means through which a litigant, who may not be physically present or capable of addressing the Court himself, convey his case through his counsel. They reflect his concerns, his defence, and often his plea for liberty.

26. Therefore, a case cannot be dismissed on the premise that the pleadings require time and effort to be read. Reading and appreciating pleadings is not a waste of judicial time; it is the very function for which judicial time exists. To decline adjudication on such grounds would be contrary to the basic duty of a Court, which is to decide matters on the basis of the pleadings, the law and the material placed before it, rather than rejecting them on trivial or technical considerations.

27. This Court is also of the view that behind every application lies the sustained effort of a counsel who often works late into the night, studies the record with care, researches the law, and applies his or her legal mind with seriousness and responsibility. To non-suit such an application merely on the ground of its length is to overlook the labour, diligence and professional commitment that go into its preparation. Judicial scrutiny cannot be replaced by a summary rejection based only on volume, particularly when the application concerns the liberty of an individual.

(v) Permissible Judicial Responses to Voluminous Bail Applications

28. A bail application, once entertained by issuance of notice and calling for a reply from the investigating officer, and having received the same on the next date of hearing fixed for arguments on bail application, *cannot be dismissed* solely on the ground that the bail application is voluminous or accompanied by extensive annexures.

29. Judgments, documents or other supporting materials annexed to a bail application are intended only to assist the Court and cannot, by themselves, be treated as part of the pleadings so as to justify rejection of the application on the ground of bail application being too voluminous or bulky.

30. If the Court finds that the pleadings are repetitive or unnecessarily lengthy, it may direct the counsel to confine his/her oral submissions to specific issues and grounds on which bail is being sought; or call for a brief written synopsis highlighting the relevant facts and legal submissions.

31. Similarly, if the Court is of the view that a bail application is supported by a large number of judgments or lengthy case law compilations, it may direct the counsel to specifically indicate the relevant paragraphs relied upon from such judicial precedents, or to file a short note of case law summarising the legal propositions sought to be urged.

(vi) To Conclude

32. Controlling the pleadings cannot be the prerogative of the Judge; controlling the Court is. If an advocate, in the facts of a given case, deems it appropriate to articulate multiple grounds for seeking bail, the Court cannot curtail such a right. At the same time, in the interest of effective adjudication, the Court may call for a concise note, written submissions, or such other assistance as may facilitate disposal of the matter. However, dismissal of a bail application merely on the ground that it runs into several pages would be a procedure unknown to law. Even where the case law relied upon is voluminous, the same could be called for or perused in digital form with appropriate bookmarks, thereby confining the core pleadings to the bail application itself.

33. This Court, therefore, disapproves the manner in which the bail application was dismissed. Courts must exercise caution and care while dealing with bail applications and adjudicate them in accordance with settled principles of bail jurisprudence. Dismissing a bail application solely on the aforesaid ground, would amount to penalising an accused, who is in judicial custody, for the drafting choices of his counsel and would defeat the settled principles governing the grant, consideration and disposal of bail applications.

34. To reiterate, court correction or course correction by directing the submission of brief notes or any other assistance may be permissible; *however*, a judicial refusal to adjudicate merely because

the learned Judge finds it inconvenient to read the pleadings is impermissible and unknown to the canons of justice, particularly in matters relating to bail jurisprudence.

THE DECISION

35. In view of the foregoing discussion, this Court finds that the impugned order suffers from material irregularity and perversity, inasmuch as the bail application was dismissed without consideration of the substantive grounds urged therein and without hearing arguments on merits, despite the matter having been listed for final hearing. The impugned order, therefore, cannot be sustained.

36. In these circumstances, this Court is of the considered view that the ends of justice would be met by restoring the bail application to the learned Trial Court for consideration on merits.

37. Accordingly, the impugned order dated 17.10.2025 is set aside. The matter is remanded to the learned Trial Court with a direction to consider the petitioner's bail application afresh on merits, after affording an opportunity of hearing to both sides, and to pass appropriate orders in accordance with law, preferably within a period of ten days from the date of receipt of this order.

38. The petition is disposed of in the above terms.

39. It is however clarified that the observations made herein are confined to the legality of the impugned order and shall not be construed as any expression of opinion on the merits of the case. The learned Trial Court shall decide the bail application, in accordance

with law, and uninfluenced by any observations contained in this judgment.

40. Let a copy of this judgment be circulated among all judicial officers in Delhi, by the concerned Principal District & Sessions Judges. A copy be also forwarded to Delhi Judicial Academy for taking note of its contents.

41. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J.

JANUARY 29, 2026/A
T.S./T.D.