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

CNR No. DLHC010300802026

+ **BAIL APPLN. 2678/2026**

JATIN VERMA

.....Petitioner

Through: Mr. Rakesh Malhotra, Advocate.

Versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Shubhi Gupta, APP for State

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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01.09.2026

1. The instant application has been filed on behalf of the applicant under Section 482 r/w Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of anticipatory bail in relation to FIR No.97/2026 ("*FIR in question*") registered at PS Tilak Marg *qua* the offence punishable under Section 75(3)/79/351(2) of BNS.
2. A perusal of the record would indicate that on the first date of hearing i.e. 15.07.2026, the applicant was directed to co-operate with the Investigating Officer and subject to the same, the arrest of the applicant was stayed.
3. Learned counsel appearing on behalf of the applicant, however, stated that he was accompanied by his elderly uncles and he consciously avoided



the complainant and her husband. It is, however, the complainant party, who initiated the confrontation by hurling abuses. He also stated that the applicant has not committed any offence.

4. Submissions made on behalf of the applicant are vehemently opposed by learned APP for the State as well as by learned counsel for the complainant. It is pointed out that the investigation is complete and the charge sheet has also been filed.

5. I have heard the counsels for the parties and perused the record.

6. The overall facts of the case, however, would indicate that the applicant's father is an accused in connection with FIR No.104/2026 registered at PS Janak Puri, Delhi for the offence punishable under Section 6 of the POCSO Act. The said FIR has been registered at the instance of the same complainant, who has lodged the FIR in question. It is alleged against the applicant that he had shown hand gestures to the complainant.

7. The principles governing the grant of anticipatory bail have been succinctly and authoritatively settled by the Constitution Bench of the Supreme Court in **Gurbaksh Singh Sibbia & Ors. v. State of Punjab**,¹. It was held that the power under Section 438 CrPC is an extraordinary discretionary remedy intended to protect personal liberty and is to be exercised on the facts and circumstances of each case. The Constitution Bench further held that while exercising such discretion, the Court must strike a balance between the individual's right to personal liberty and the investigational powers of the police. It was also observed that anticipatory bail cannot be granted on vague or general apprehensions and that no inflexible restrictions or conditions, not envisaged by the statute, can be



imposed while considering an application under Section 438 CrPC.

8. The aforesaid principles were further elucidated in ***Siddharam Satlingappa Mhetre v. State of Maharashtra***², wherein the Supreme Court emphasized that the power under Section 438 CrPC is intrinsically connected with the guarantee of personal liberty under Article 21 of the Constitution and must be exercised bearing in mind the presumption of innocence. The Court observed that “*bail is the rule and jail is the exception*” and held that denial of anticipatory bail would be justified only where the facts disclose a genuine necessity, such as the requirement of custodial interrogation or the likelihood of the applicant absconding, tampering with evidence or influencing witnesses.

9. Applying the aforesaid principles to the facts of the present case, this Court finds that the investigation is complete; the charge sheet has been filed; the incident seems to have been captured in the CCTV footage; custodial interrogation of the applicant is not necessitated. Moreover, the applicant had appeared before the Investigating Officer as and when he was called for. The applicant further undertakes to co-operate in early completion of the trial.

10. In view of the aforesaid, the interim order dated 15.07.2026 stands confirmed. In the event of arrest, the applicant shall be released by the Investigating Officer on anticipatory bail, subject to such conditions as may be imposed by the concerned Investigating Officer.

11. Nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

¹ (1980) 2 SCC 565

² (2011) 1 SCC 694



12. With the aforesaid observations, the application stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 1, 2026

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