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

+ **BAIL APPLN. 3061/2020**

**SH. BHUPINDER SINGH**

..... Petitioner

Through: Mr Satinder Singh Mathur and Mr  
Saurabh Pandey, Advocates.

versus

**STATE**

..... Respondent

Through: Mr Raghvinder Varma, APP for the  
State with SI Jitender Singh, PS  
Subhash Place, SI Ravi, PS Bharat  
Nagar.

Mr Tanveer Ahmed Mir, Mr Gorang  
Gupta and Md. Imran Ahmad,  
Advocates for complainant.

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+ **BAIL APPLN. 3720/2020**

**RAMESH KUMAR**

..... Petitioner

Through: Counsel for the petitioner (appearance  
not given).

versus

**STATE OF N.C.T. OF DELHI**

..... Respondent

Through: Mr Raghvinder Varma, APP for the  
State.

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**  
**13.03.2024**

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1. The present petitions have been filed under Section 438 CrPC seeking



anticipatory bail in connection with FIR No. 0342/2020 under Sections 406/420/34 IPC registered at PS Subhash Place, Delhi.

2. While issuing notice *vide* order dated 13.10.2020, this Court had directed the petitioner to join the investigation and appear before the before the Investigating Officer.

3. Learned counsel for the petitioners submits that the petitioners have joined the investigation as and when they were called upon by the IO, which position is not disputed by the learned APP for the State.

4. On a query posed by the Court, the Learned APP on instructions from the IO, fairly submits that the chargesheet and supplementary chargesheet, have been filed and the petitioner is no more required for further investigation.

5. Learned counsel for the complainant submits that the offence committed by the petitioners is serious in nature and the interim bail granted to the petitioner does not deserve to be confirmed and the petitioners ought to approach the learned Trial Court for grant of regular bail.

6. This Court in *Kashi Nath Shukla v. Govt. of NCT of Delhi*<sup>1</sup> under similar circumstances had observed as under:

*“16. .... It is also not in dispute that the petitioner had joined the investigation as and when required by the investigating officer. The charge-sheet is stated to have been filed and the learned Trial Court has taken cognizance vide its order dated 21.07.2023.*

*17. The very fact that the petitioner cooperated during investigation, the investigation was concluded and the charge-sheet filed without arresting the petitioner shows that the custody of the petitioner was not required. Further, at no*

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<sup>1</sup> 2024 : DHC : 1412 [BAIL APPLN. 1758/2022 (date of decision 15.02.20024)]



***stage the investigating officer asked for custodial interrogation of the petitioner. Therefore, in view of the settled legal position noted above, not only the present petitioner seeking anticipatory bail is maintainable even after the filling of charge sheet but there does not appear to be any necessity of asking the petitioner to separately surrender and seek regular bail.***

***18. In so far as the submission of the learned counsel for the complainant that once charge sheet has been filed, the anticipatory bail of the petitioner should not be confirmed without considering the charge sheet, is also devoid of merit. In support of the said contention no provision of law has been shown, nor that is the mandate of Section 438 CrPC. In view of the settled law that filing of charge-sheet does not affect granting of or continuance anticipatory bail, there does not appear to be any justification for the Court to examine the entire charge-sheet and the documents annexed therewith for confirming the interim anticipatory bail granted earlier especially when the petitioner had cooperated with the investigation throughout and did not misuse the liberty granted. Furthermore, when the charge-sheet has been filed, the normal implication would be that there was no occasion for the investigating agency or the police to require his custody.”***

7. In view of the fact that the petitioners have joined the investigation and the chargesheet has been filed without arresting him, there does not appear to be any necessity of asking the petitioner to approach the learned Trial Court and seek regular bail after surrendering.

8. Accordingly, it is directed that in the event petitioner is arrested, he be released on bail subject to his furnishing Personal Bond in the sum of Rs. 50,000/- and a Surety Bond of the like amount to the satisfaction of the Investigating Officer /Arresting Officer further subject to the following conditions:



- a) The petitioners shall cooperate and join the investigation as and when directed;
  - b) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
  - c) the petitioners shall provide his mobile number(s) to the Investigating Officer;
  - d) In case of change of residential address and / or mobile number, the petitioners shall intimate the same to the Investigating Officer / Court concerned by way of an affidavit.
- 9. The petition stands disposed of.
  - 10. Order *dasti* under signatures of the Court Master.
  - 11. Order be uploaded on the website of this Court.

**VIKAS MAHAJAN, J**

**MARCH 13, 2024**  
**MK**