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

+ **CRL.M.C. 479/2026**

MUKESH GUPTA@ MUKESH JHAMMAN LALPetitioner

Through: Mr. Gautam Narayan, Sr. Advocate
with Mr. K. Anshuman Singh and
Mr. K. Aditya Singh, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for
State alongwith SI Lalit Kumar,
P.S.-EOW
Mr. Gagan Gandhi, Mr. Divesh
Ranjan, Dr. B.S.Chauhan, Ms.
Sradha Saxena and Ms. Eesha
Khanna, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **20.01.2026**

CRL.M.A. 1927/2026 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has approached this Court under Article 227 of the Constitution, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the order dated 13.12.2025 passed by the learned JMFC, West, Tis Hazari Courts, as well as the order dated 14.01.2026 passed by the learned Sessions Judge, West District, Tis Hazari Courts.



4. The petitioner is facing criminal proceedings arising out of FIR No. 114/2022 dated 26.07.2022, registered at Police Station EOW, wherein a chargesheet has been filed for the offences punishable under Sections 420, 406, 467, 468, 471, and 120B of the Indian Penal Code, 1860.

5. The petitioner was granted interim bail by the learned Sessions Court, *vide* order dated 05.06.2025, on medical grounds.

6. Thereafter, by an order dated 15.09.2025, the petitioner was granted regular bail by this Court. While doing so, this Court recorded a *prima facie* finding that, the dispute appeared to be essentially civil and commercial in nature, and was already the subject matter of pending civil proceedings. In the course of considering the petitioner's prayer for bail, this Court also took note of his medical condition, as recorded hereinbelow:

"10. Aside above, reference may be had to the status report dated 12.09.2025 which has been filed today during the course of proceedings by the prosecution. The relevant paragraph qua the medical condition of the applicant reads as under:

"2. That in compliance of the directions the updated medical report of accused Mukesh Gupta has been obtained from the Max Super Specialty Hospital, Shalimar Bagh, Delhi on 22.08.2025 which States as under:

"a) the accused Mukesh Gupta was admitted to Max Hospital on 18.08.2025 and continues to remain admitted as an in-patient.

b) He has been diagnosed with acute cholecystitis, heart failure with preserved ejection fraction (HFpEF), Cystitis, coronary artery disease (single vessel disease), and chronic kidney disease with compromised renal functions due to dehydration.

c) He has been advised to undergo laparoscopic cholecystectomy and Percutaneous Transluminal Coronary Angioplasty (PTCA) for single vessel disease.

d) However, at present he is not medically stable to undergo surgery. No date has yet been fixed for the procedures. The hospital has opined that the surgeries are urgent and may



be undertaken within a couple of days once his condition stabilizes.

e) The hospital has further certified that the required treatment is also available in tertiary care government hospitals such as AIIMS, RML, or GB Pant Hospital.”

11. In view of the aforesaid, I am of the opinion that right to health since envisaged under Article 21 of the Constitution of India and keeping the petitioner in custody will be most definitely interfere in the course of the treatment which he wishes to undertake apart from otherwise his being currently not in a medical condition to undergo a surgery which has been advised. It is but natural that said stability can only be better attained under care and attention of the family members.”

7. The aforesaid order granting regular bail was assailed by the complainant before the Supreme Court by way of SLP (Crl.) No. 18912/2025. However, the same was dismissed *vide* order dated 03.12.2025.

8. It is not in dispute that, as a condition for the grant of bail, the petitioner was required to surrender his passport with the learned Magistrate, the petitioner being a citizen of Singapore and a holder of an Overseas Citizen of India [“OCI”] card.

9. The petitioner thereafter filed an application before the learned Magistrate, seeking release of his passport to enable him to attend a family wedding – the wedding of his son-in-law’s sister – scheduled to be held in Sri Lanka from 22.01.2026 onwards.

10. The learned Magistrate rejected the application *vide* order dated 13.12.2025, observing that the petitioner had been admitted to bail on medical and humanitarian grounds, and further noting that the petitioner is not a citizen of India.

11. The learned Sessions Court, in revision, has affirmed the aforesaid findings by an order dated 14.01.2026.



12. Mr. Gautam Narayan, learned Senior Counsel for the petitioner, submits that, in view of the passage of time, the marriage is now imminent, and the petitioner does not wish to travel at this stage. However, it is contended that certain observations made in the order of the learned Sessions Court may operate to the petitioner's prejudice, in the event of any subsequent application being moved for a similar or other purpose.

13. Having regard to the fact that the petitioner does not wish to travel for the intended purpose, I do not consider it necessary to entertain the present petition at this stage. It is, however, clarified that in the event of any application being filed in the future, the same shall be considered on its own merits, in accordance with law, and in the context of all the prevailing facts and circumstances. As notice has not been issued in this petition, it is specifically clarified that all rights and contentions of the State and the complainant [respondent No. 2 herein] also remain reserved.

14. The petition, alongwith any pending applications, stands disposed of with the aforesaid observations.

PRATEEK JALAN, J

JANUARY 20, 2026
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