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

+ **W.P.(CRL) 219/2026, CRL.M.A. 2070/2026**

**PANKAJ**

.....Petitioner

Through: Mr. Sandeep Sharma, Sr. Adv. with  
Mr. Hunny Singh, Mr. Ankit  
Parindyal, Mr. Vibhas Kr. Jha and  
Mr. Anand Sharma, Advs.

versus

**STATE NCT OF DELHI & ORS.**

.....Respondents

Through: Mr. Amol Sinha, ASC for the State  
with Mr. Kshitiz Garg, Mr. Ashvini  
Kmar, Mr. Manan Wadhwa and Mr.  
Luv Mahajan, Advs.

ACP- Joginder Singh, Sub-  
Division- Bawana and SI- Lal  
Chand, PS: Shahbad Dairy

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**

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**21.01.2026**

1. By virtue of the present petition under *Article 226* of the Constitution of India read with *Section 528* of the *Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS)*, the petitioner seeks issuance of a Writ of Mandamus, granting stay of arrest of the petitioner in FIR No.602/2024 registered at PS.: Shahbad Dairy under *Sections 3/4* of the *Maharashtra Control of Organised Crime Act, 1999 (MCOCA)*.
2. Learned senior counsel for the petitioner has taken this Court through the status report filed in the form of a "REPLY OF ANTICIPATORY BAIL APPLICATION" before the learned Trial Court



wherein it is stated as under:-

***“17. He is not residing at the address given in the petition and absconding to avoid his arrest in this case***

***18. Financial wealth is being investigated which he has obtained from the proceed of crime. He has no source of income and he had purchased property and vehicles in the name of family members. Bank statement of petitioner has been obtained and found many suspicious transactions which are to be investigated. He had committed crime i.e robbery etc in the other part of Delhi. Hence had made false complaint against SHO/ Shahbad dairy.***

***19. His custodial interrogation is required to know source of income regarding purchasing of property and vehicles.”***

3. Thereafter, learned senior counsel for the petitioner has relied upon the order dated 09.01.2025 passed by the learned Sessions Court, wherein the applicant was granted bail in FIR No.04/2025 registered at PS.: Shahbad Dairy under Sections 25/54/59 of the Arms Act, 1959 as also another bail order dated 16.01.2025 also passed by the learned Sessions Court in Kalandra DD No.079 registered at PS.: Shahbad Dairy under Sections 53/116 of the Dowry Prohibition Act, 1961. Lastly, he relied upon the order dated 09.12.2024 passed by the learned Joint Registrar (Judicial) of this Court in CRL.A.522/2023 wherein the personal and surety bond of the respondent no.3 therein (*petitioner herein*) was accepted.

4. Based thereon, learned senior counsel submits that if the address mentioned therein is the same address which is available with the State, it is not for the learned counsel for the State to submit that the petitioner is not residing at the said address and is absconding to avoid his arrest.

5. Issue notice.



6. Learned ASC for the State appearing on advance service, accepts notice. Opposing the issuance of notice in the present petition, he submits that the very same petitioner had, by virtue of, W.P.(Crl) 4198/2025 approached this Court seeking similar reliefs, however, a Coordinate Bench of this Court disposed of the same *vide* order dated 18.12.2025 after directing the State to proceed in accordance with law.

7. Further, drawing the attention of this Court to the list of *twenty* (20) FIRs, wherein the petitioner is involved, learned ASC submits that the petitioner ought not to be entitled for grant of stay of arrest in FIR No.602/2024 as sought herein since the petitioner is a habitual offender against whom the first FIR was registered way back in the year 2012 and since then till the year 2025 there have been repeated FIRs registered against the petitioner involving heinous crimes.

8. In rejoinder, drawing the attention of this Court to the 'Supplementary Notice Under *Section 50* Delhi Police Act, 1978' (***Annexure-P2***) dated 11.06.2024 (*inadvertently stated 11.06.2004*), learned senior counsel for the petitioner submits that the number of FIRs as mentioned therein is only *five* (05) and not *twenty* (20) as stated by learned ASC for the State.

9. This Court has heard learned counsel for the parties and gone through the documents on record as well.

10. Considering that the orders dated 09.01.2025, 16.01.2025 and 09.12.2024 are all prior in point of time to the present date and the order dated 09.12.2024 has no direct reference to the petitioner anywhere as it is not clear who is the petitioner therein, and as they do not in any manner indicate that the petitioner is presently residing at the very same address as



available with the police, reliance placed thereupon by learned senior counsel for the petitioner is of no relevance. Further, a perusal of the record reveals that the petitioner has failed to file any document with the police reflecting that he is still very much residing at the same address. In fact, upon a specific query, learned ASC, upon instruction, categorically submits that the petitioner has, till date, never joined the investigation despite repeated raids from time to time since long.

11. Further, since it is the case of the prosecution that the petitioner is not residing at the address as available with them and is absconding to avoid his arrest as also since no proof of his residing at the present address has been filed by the petitioner, there is no reason for this Court to grant a stay of arrest in FIR No.602/2024 at the present stage.

12. Also, it is not in dispute that the petitioner was/ is named in as many as 20 FIR's, details whereof are as under:-

| S.No. | FIR No.  | Under section                                | Police Station |
|-------|----------|----------------------------------------------|----------------|
| 1.    | 342/12   | 323/307/34 IPC & 25/27 Arms Act              | Shahbad Dairy  |
| 2.    | 458/24   | 394/397/34 IPC                               | Uttam Nagar    |
| 3.    | 716/15   | 392/397/395/457/34 IPC                       | Laxmi Nagar    |
| 4.    | 606/15   | 457/380 IPC                                  | Laxmi Nagar    |
| 5.    | 725/15   | 379/411 IPC                                  | Laxmi Nagar    |
| 6.    | 446/15   | 302/323/341 IPC & 25 Arms Act                | Shahbad Dairy  |
| 7.    | 429/15   | 323/341/506/34 IPC                           | Shahbad Dairy  |
| 8.    | 424/15   | 307/323 IPC & 25/27 Arms Act                 | Shahbad Dairy  |
| 9.    | 343/15   | 323/341/34 IPC                               | Shahbad Dairy  |
| 10.   | 334/15   | 25 Arms Act                                  | Shahbad Dairy  |
| 11.   | 262/21   | 308/34 IPC                                   | Shahbad Dairy  |
| 12.   | 265/21   | 324/34 IPC                                   | Shahbad Dairy  |
| 13.   | 295/21   | 308/34 IPC                                   | Shahbad Dairy  |
| 14.   | 943/22   | 186/353/332/307/120B/34 IPC & 25/27 Arms Act | Shahbad Dairy  |
| 15.   | 14549/23 | 379/411 IPC                                  | KN Katju Marg  |
| 16.   | 602/23   | 392/34 IPC & 25 Arms Act                     | Keshav Puram   |
| 17.   | 49/23    | 392/34 IPC                                   | Gulbi Bagh     |
| 18.   | 813/24   | 115(2)/126(2)/351(2)/3(5) BNS                | Shahbad Dairy  |
| 19.   | 04/25    | 25 Arms Act                                  | Shahbad Dairy  |
| 20.   | 895/25   | 115(2)/126(2)/351(2)/3(5) BNS                | Shahbad Dairy  |



13. Considering the factual matrix involved, as also the legal position that the petitioner has been involved in various FIRs from time to time and has never joined investigation since the registration of the present FIR, which pertains to offences punishable under the provisions of MCOCA, this Court, finding no merit, is left with the sole option of dismissing the same in *limine*.

14. Accordingly, the present petition, alongwith the pending application, is dismissed and disposed of.

**SAURABH BANERJEE, J**

**JANUARY 21, 2026/Ab**