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

+ **CRL.M.C. 957/2026 & CRL.M.As. 3777-78/2026**

**RAJEEV RANJAN & ORS.**

.....Petitioners

Through: Mr. Sanjeev Bhandari, ASC Mr.  
Arjit Sharma, Advocate.

versus

**AMIT SAINI**

.....Respondent

Through: Mr. Ashutosh Bansal, Mr. Hemant  
Sharma, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

% **04.02.2026**

1. The three petitioners are the Additional Commissioner of Police ["Addl. CP"], Rohini [also holding charge as Deputy Commissioner of Police ["DCP"], Rohini], Additional Deputy Commissioner of Police ["Addl. DCP"], Rohini, and Assistant Commissioner of Police ["Asst. CP"], Rohini. By way of this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), the petitioners assail an order dated 06.01.2026, passed by the Additional Sessions Judge, Special FTC (North), Rohini Courts, by which bailable warrants have been issued for their presence in proceedings arising out of FIR No. 261/2025 registered at Police Station Prashant Vihar.

2. The accused in the said FIR is arrayed as the respondent in this petition, and is represented by Mr. Ashutosh Bansal, learned counsel, on advance notice.



3. The genesis of the present controversy arises from an order dated 07.11.2025, passed by the Sessions Court, by which it was recorded that an affidavit has been filed by the accused, making certain allegations against the concerned SHO. Notice was issued to the DCP concerned to file a reply to the said affidavit. The time for filing the reply was thereafter extended by an order dated 02.12.2025, and the matter was adjourned to 06.01.2026.

4. On 05.01.2026, a status report was filed under the signatures of Addl. DCP, Rohini. In the status report, it was *inter-alia* stated that the complaints of the respondent herein have been inquired into, and a lapse has been observed on the part of the SHO, for which a misconduct report had been sent to his disciplinary authority.

5. By the impugned order dated 06.01.2026, the Sessions Court found that no responsible officer appeared before the Court for explaining the contents of the said reply, despite the status report itself stating that the Addl. CP concerned had been directed to ensure the availability of a responsible officer before the Sessions Court, to explain the facts. The Court has made certain observations against the petitioners herein, and stated that no valid explanation has been given for their non-appearance. Bailable warrants were therefore issued in the sum of Rs. 1,00,000/- with one surety of the like amount against each of the petitioners.

6. Mr. Sanjeev Bhandari, learned Additional Standing Counsel, appearing on behalf of the petitioners, submits that the aforesaid order is in violation of the applicable rules framed by this Court, i.e. The Personal appearance of Government Officials in Court Proceedings Rules, 2025, gazetted *vide* notification dated 26.12.2025 [“2025 Rules”]. The 2025



Rules were formulated pursuant to directions of the Supreme Court in *State of Uttar Pradesh & Ors. v. Association of Retired Supreme Court and High Court Judges at Allahabad & Ors.* [Civil Appeal No. 23-24/2024, decision dated 03.01.2024].

7. Mr. Bhandari further submits that, in fact, no order directing the personal presence of any officer had been passed by the Sessions Court prior to issuance of warrants, which were issued ostensibly on the ground of their “*deliberate absence*” and “*total supervisory failure*”.

8. Mr. Bhandari also submits, as specifically stated in the present petition, that although the status report was filed under the signature of the Addl. DCP, the inquiry pursuant to the order dated 07.11.2025 was conducted under the direct supervision and control of the DCP, and was periodically reviewed at that level. Reference in this connection may be made to paragraphs 21 to 23 of the present petition, which reads as follows:

*“21. That the Learned Trial Court further completely erred in overlooking the fact that the enquiry pursuant to the order dated 07.11.2025 was conducted under the direct supervision and control of the DCP, Rohini District, and not in a casual or routine manner as is erroneously implied in the impugned order dated 06.01.2026.*

*22. That the enquiry was entrusted to the ACP/PG Cell, Rohini District, and was periodically reviewed at the level of the DCP, Rohini District, which is evident from the status reports dated 02.12.2025 and 05.01.2026 filed before the Learned Trial Court under the signatures of the Additional DCP on behalf of the DCP concerned.*

*23. That the supervision of the enquiry at the level of the DCP conclusively establishes that the allegations were examined with due seriousness, institutional accountability and transparency, and the contrary impression created in the impugned order is factually incorrect and unsupported by the record.”*

9. Mr. Bhandari suggests that the impugned warrants may be set aside, upon an undertaking that the concerned Addl. DCP will be



available before the Sessions Court on the date fixed before it, i.e. 05.02.2026, by video conference, and the Asst. CP will be present in person.

10. Mr. Bansal also submits that the petition may be disposed of in terms of the aforesaid undertaking.

11. Having considered the submissions of learned counsel for the parties, I am of the view that the observations recorded in the impugned order dated 06.01.2026, and the issuance ofailable warrants at this stage, were unwarranted. As noted in the impugned order itself, while notice was issued to the DCP by order dated 07.11.2025, it was open to him to seek the help of any officer. The Sessions Court has come to a conclusion that the DCP has not supervised the inquiry conducted by the Addl. DCP. However, the basis for coming to this conclusion has not been adverted to. Further, the absence of the DCP, Addl. DCP or Asst. CP cannot be termed as “*deliberate*”, in the absence of any clear and categorical order requiring their presence.

12. The observations in the impugned order and the directions for issuance ofailable warrants against the petitioners is therefore set aside, subject to the undertaking recorded above, to the effect that the Asst. CP will appear in person, and the Addl. DCP will appear via video conference, before the Sessions Court tomorrow, i.e. 05.02.2026 at 10:00 AM. Having regard to the personal presence of the Asst. CP, the Sessions Court may take up the matter as expeditiously as possible.

13. It is made clear that this order is not intended to preclude any further directions that the Sessions Court may pass, subject to observance of the 2025 Rules. Needless to say, this Court has not examined the



merits of the allegations levelled by the respondent herein against the SHO concerned, and it is open to the Sessions Court to pass such orders, as it considers necessary, in accordance with law.

14. The petition, alongwith pending applications, is disposed of with these directions.

15. Copy of this order be given *dasti* under the signatures of the Court Master.

**PRATEEK JALAN, J**

**FEBRUARY 4, 2026**

*'Bhupi' /AD/*