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

+ **CRL.M.C. 1808/2026**

SHIVANI BATRA

.....Petitioner

Through: Counsel (appearance not given).

versus

THE STATE GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the
State.

SI Avinash Kumar, P.S. Anand
Vihar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **12.03.2026**

CRL.M.A. 7422/2026 (exemption)

CRL.M.A. 7421/2026 (exemption from filing chargesheet)

Exemptions granted, subject to just exceptions.

The applications stand disposed of.

CRL.M.C. 1808/2026

CRL.M.A. 7420/2026 (stay)

By way of the present petition filed under section 483(3) of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner *challenges the grant* of regular bail to respondent No.2 *vidé* order dated 09.03.2026 passed by the learned Additional Sessions Judge (FTC), Shahdara District, Karkardooma Courts, Delhi in case FIR No. 0380/2025 dated 11.08.2025 registered under sections 406/420/467/468/471/120-B of the Indian Penal Code, 1860 ('IPC') at



P.S.: Anand Vihar, Shahdara, Delhi. The petitioner also prays that the bail granted to respondent No.2 be *cancelled* and that the said respondent be taken into custody forthwith.

2. Upon being queried, learned counsel appearing for the petitioner clarifies, that the petitioner is not praying for cancellation of bail and is only challenging the grant of bail on the grounds mentioned in the petition.
3. Learned counsel for the petitioner argues, that successive bail applications filed by respondent No.2 were rejected by the learned sessions court; and that the last such bail application was dismissed *vidé* order dated 15.01.2026.
4. Learned counsel contends that successive bail applications filed by the petitioner ought not to have been entertained by the learned sessions court, especially since there was no change in circumstances after the dismissal of respondent No.2's last bail application *vidé* order dated 15.01.2026.
5. The allegation against respondent No.2 is, that he had signed the Will of the deceased as witness, which Will is alleged to have been forged by the testator's relatives for their benefit. It is confirmed that the petitioner was not related to the testator, but was only their family friend.
6. In this backdrop, the learned trial court has granted bail to respondent No.2 *vidé* order dated 09.03.2026, *inter-alia* with the following observations:

*“This is second bail application filed under section 483
BNSS for grant of bail to applicant accused. In gist, it is submitted*



vide application and oral submissions that applicant is in judicial custody since 12.12.2025. Applicant is merely an attesting witness to alleged Will dated 02.11.2023. **He is not a beneficiary of alleged Will in any manner.** Investigation is already complete. Trial of the matter will certainly take long time. Applicant is not a flight risk and he is ready to furnish bail bonds and surety bonds to the satisfaction of this Court, therefore, he should be admitted to bail.

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“On query from Ld. Addl. PP for the State and IO, they submit that investigation qua applicant accused is totally complete. There is evidence against applicant accused being fully involved in preparation of forged Will and registration of same, however, there is no direct evidence to connect applicant with commission of offence punishable under section 304(II) IPC.

* * * * *

“Earlier bail application of applicant was dismissed by this Court vide order dated 15.01.2026 primarily on the ground that applicant accused does not appear to be merely attesting witness to Will and instead may have full involvement in preparation of it as per investigation of investigating agency till then. It was also observed that investigation is still going on and investigating agency may seek police custody of applicant till expiry of 60 days of his arrest. Now, investigation against applicant accused is complete. **As far as maintainability is concerned, each and every day custody is fresh ground to more bail application. Without making any comment upon merits and demerits of material collected by investigating agency, it is to be noted that applicant accused is in JC since 12.12.2025. The trial of the matter will certainly take longtime. The evidence of the matter is of documentary nature, therefore, applicant accused would not be in position to influence the evidence to be led before Ld. Trial Court.** The applicant accused also does not appears to be flight risk in any manner. Considering all the above circumstances, applicant accused is admitted to bail subject to furnishing of bail bond and surety bond in sum of Rs. 50,000/- each to the satisfaction of concerned Ld. JMFC/Link JMFC/Duty JMFC.”

(emphasis supplied)



7. Evidently, impugned order dated 09.03.2026 was passed on the *second* bail application moved on behalf of respondent No.2; the *first* bail application having been dismissed *vidé* order dated 15.01.2026. Accordingly, there were *no multiple successive bail applications* filed by respondent No.2, as sought to be suggested by the petitioner.
8. Besides, the change in circumstances that persuaded the learned trial court to grant bail were the following:
 - 8.1. that investigation in the matter was complete and chargesheet had been filed, which disclosed that there was no direct evidence to connect the petitioner with the commission of the offence under section 304(II) of the IPC; and
 - 8.2. that since 60 days had expired from the date of his arrest, the investigating agency could no longer seek the petitioner's custody.
9. In this backdrop, the learned trial court further observed, that since evidence in the matter was documentary in nature, respondent No.2 would not be in a position to tamper with evidence and did not appear to be a flight risk; so he was entitled to be released on bail.
10. It is important to re-iterate that the primary object of bail is neither punitive nor preventative; and therefore it would be wholly improper to continue the judicial custody of an accused person *only* as a mark of disapproval of their former conduct or to give them a taste of imprisonment as a lesson.¹

¹ Sanjay Chandra vs. CBI, (2012) 1 SCC 40



11. Upon a conspectus of the foregoing, having heard learned counsel for the petitioner and having perused the impugned order, this court does not find anything remiss in the impugned order.
12. The present petition is accordingly dismissed at the stage of issuance of notice.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MARCH 12, 2026/V.Rawat