



2026:DHC:1771



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

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Date of Decision: 27.02.2026+ **BAIL APPLN. 995/2025 & CRL.M.A. 7545/2025 (stay)**

RUKHSAR

.....Petitioner

Through: Ms. Vartika Maurya, Advocate

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Sabharwal, APP for State
with SI Sandeep, PS Paharganj+ **BAIL APPLN. 999/2025 & CRL.M.A. 7570/2025 (stay)**

KHUSHBOO

.....Petitioner

Through: Ms. Vartika Maurya, Advocate

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Sabharwal, APP for State
with SI Sandeep, PS Paharganj**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicants seek anticipatory bail in case FIR No. 596/2024 of PS Paharganj for offence under Section 309(6)/3(5) BNS.

*BAIL APPLN. 995/2025 & 999/2025**Page 1 of 3 pages*



2026:DHC:1771



2. I have heard learned counsel for accused/applicants and learned APP for State assisted by IO SI Sandeep.
3. Broadly speaking, according to prosecution case, three transgenders assaulted the victim transgender with *dandas* causing an injury above right eye to the victim. Further, according to the complaint lodged by the victim transgender, the assailants snatched her handbag which contained cash amount of Rs. 5,00,000/-, one jewellery set, bangles and four rings, all of which were of gold.
4. Learned counsel for accused/applicants contends that the accused/applicants have not misused their interim liberty granted by the predecessor bench and no purpose would be served by sending them to jail. It is further submitted that regarding the incident in question a cross FIR also was registered against the present complainant *de facto*. Further, it is submitted by learned counsel that one of the three assailants has already been granted bail.
5. Learned APP for State opposes the anticipatory bail application contending that the accused/applicants would get emboldened, if granted anticipatory bail. It is submitted that the third assailant was granted bail only after arrest and it was not an anticipatory bail.
6. I have examined the MLC of the victim, according to which the injuries suffered by her are swelling over right eye and abrasion at the back. Nature of injuries suffered by the injured has been opined to be simple by the doctor.

BAIL APPLN. 995/2025 & 999/2025

Page 2 of 3 pages

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2026:DHC:1771



7. It is also submitted by IO that the accused/applicants are duly joining investigation as and when directed, but they are not cooperating. It has been repeatedly held by this Court that merely because an accused is smart or the investigating officer is not a good interrogator, fault does not lie with the accused. No one is under a duty to self implicate. Admittedly, there is no misuse of liberty granted to the accused/applicants by the predecessor bench where the matters remained pending for very long time and got transferred before me today for the first time.

8. Considering the overall circumstances as described above, I find no reason to deprive the accused/applicants liberty.

9. Both these applications are allowed and it is directed that in the event of their arrest, the accused/applicants shall be released on bail, subject to each of them furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned.

10. Further, as requested by learned APP for State, in order to ensure a check on the accused/applicants, it is directed that they shall report before the IO every Wednesday at 10:00am in the Police Station for next two months.

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(JUDGE)**

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BAIL APPLN. 995/2025 & 999/2025

Page 3 of 3 pages