



\$~94

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

+ CRL.M.C. 3413/2026, CRL.M.A. 13780/2026, CRL.M.A. 13781/2026

MUKTA PUROHIT

.....Petitioner

Through: Mr. Rajat Bhardwaj and Mr. Tushar Garg, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP with Ms. Upasna Bakshi, Mr. Dinesh Kumar, and Ms. Divya Bakshi, Advocates
SI Rahul Lamba, PS.: Saket, Delhi

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

04.05.2026

%

1. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner/ complainant seeks setting aside of the order dated 13.04.2026 (*impugned order*) passed by the learned ASJ, South District, Saket Courts, New Delhi (*learned Sessions Court*) in Bail Application No.669/2026 whereby interim bail has been granted to the respondent no.2/ accused for a period of *three months*.

2. Learned counsel for the complainant primarily submits that though the bail granted to the accused *vide* order dated 13.06.2023 passed by the learned MM, South District, Saket Courts, New Delhi was cancelled by the learned ACJM, South District, Saket Courts, New Delhi by a detailed and well-reasoned order dated 09.04.2026, and that too after giving due



consideration to each and every assertion made by the parties, the learned Sessions Court erred in passing the impugned order without issuing notice to the complainant. For this, he relies upon the judgment of the Hon'ble Supreme Court in ***Jagjeet Singh & Ors. vs. Ashish Mishra Alias Monu & Anr.***: (2022) 9 SCC 321, wherein it has been held as under:-

“19. It was further recommended that the victim be armed with a right to be represented by an advocate of his/her choice, and if he/ she is not in a position to afford the same, to provide an advocate at the State's expense. The victim's right to participate in criminal trial and his/her right to know the status of investigation, and take necessary steps, or to be heard at every crucial stage of the criminal proceedings, including at the time of grant or cancellation of bail, were also duly recognised by the Committee. Repeated judicial intervention, coupled with the recommendations made from time to time as briefly noticed above, prompted the Parliament to bring into force the Code of Criminal Procedure (Amendment) Act, 2008, which not only inserted the definition of a 'victim' under Section 2 (wa) but also statutorily recognised various rights of such victims at different stages of trial.

xxx

xxx

xxx

24. The abovestated enunciations are not to be conflated with certain statutory provisions, such as those present in the Special Acts like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, where there is a legal obligation to hear the victim at the time of granting bail. Instead, what must be taken note of is that:

24.1. First, the Indian jurisprudence is constantly evolving, whereby, the right of victims to be heard, especially in cases involving heinous crimes, is increasingly being acknowledged.

24.2. Second, where the victims themselves have come forward to participate in a criminal proceeding, they must



be accorded with an opportunity of a fair and effective hearing. If the right to file an appeal against acquittal, is not accompanied with the right to be heard at the time of deciding a bail application, the same may result in grave miscarriage of justice. Victims certainly cannot be expected to be sitting on the fence and watching the proceedings from afar, especially when they may have legitimate grievances. It is the solemn duty of a court to deliver justice before the memory of an injustice eclipses.”

3. Therefore, as per the factual matrix involved, as also what has been held in **Jagjeet Singh (supra)**, it is not in dispute that the present FIR concerns grave offences under *Sections 354(C)/452/506/509* of the Indian Penal Code, 1860 and *Sections 66C/66E/67* of the Information Technology Act, 2000, as also that the impugned order has been passed without issuance of notice to the complainant. In view thereof, as also considering the speaking order dated 09.04.2026 passed by the learned ACJM, South District, Saket Courts, New Delhi cancelling the bail granted to the accused, it was incumbent upon the learned Sessions Court to issue notice to the complainant. However, this Court finds that not only has the learned Sessions Court not issued notice to the complainant but also proceeded to grant an interim bail, and that too for a long period of *three months* to the accused without any prayer for the same and/ or giving any cogent reasoning for the same.

4. In view of the aforesaid, though this Court is not interfering with the impugned order dated 13.04.2026 passed by the learned Sessions Court in Bail Application No.669/2026, however, the learned Sessions Court is directed to dispose of Bail Application No.669/2026 made by the accused on or before 20.05.2026, after giving due opportunity of hearing



to the complainant.

5. Accordingly, the next date of hearing before the learned Sessions Court is preponed to 13.05.2026, and the date of 13.07.2026 already fixed is cancelled.

6. A copy of this order be sent to the learned Sessions Court for taking appropriate and necessary action.

7. Learned APP for the State is also directed to intimate the accused about the same.

8. The present petition along with the pending applications is disposed of in the aforesaid terms.

SAURABH BANERJEE, J

MAY 4, 2026/bh