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2026:DHC:630



107/2025 of PS New Delhi Railway Station for offence under Section 305(c)/317(c)/3(5) BNS.

2. To begin with, last order passed in these bail applications is extracted below:

"1. The accused/applicant seeks regular bail in case FIR No. 106/2025 and FIR No. 107/2025 of PS New Delhi Railway Station for offence under Section 305(c)/317(c)/3(5) BNS.

2. At the outset, it is shocking to hear from learned counsel for accused/applicant that during pendency of these bail applications, the accused/applicant has already been released on bail by the learned Additional Chief Judicial Magistrate concerned. On further query, it is disclosed by learned APP that the learned ACJM concerned was not apprised about pendency of this bail application before this Court. From orders dated 03.01.2026 of the learned ACJM also, it appears that pendency of the present application before this Court was concealed from that court.

3. As reflected from status report submitted by prosecution in this case, the accused/applicant is involved in 17 cases of similar nature, registered by different police stations. It appears that even this information was concealed from the learned ACJM.

4. Further, it is submitted by learned APP for State that the status report dated 03.01.2026 was filed before the trial court by HC Dinesh Kumar as the concerned investigating officer HC Manoj Kumar was on leave. But one wonders as to what the SHO concerned was doing. In fact, it is for this reason only that even this Court has been repeatedly directing through judicial orders that whenever the investigating officer is not available, it is the SHO, who must personally appear before the court in bail matters. Copies of those judicial orders have been repeatedly sent to the concerned DCPs and even the Commissioner of Police. But to no avail. In the present cases, the least the SHO could have done was to examine the status report before the same was filed before the trial court, leading to grant of bail despite pendency of the application in this Court.

5. Learned APP submits that they are contemplating to move an application for cancellation of bail orders before the trial court. But, it remains unexplained as to what prevented them from doing so during the period from 03.01.2026 till this day.



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application filed before ACJM was not signed or thumb marked by anyone and the same was not supported with affidavit of any *pairokar* also, though the *vakalatnama* filed with that application bears thumb mark of the accused/applicant.

7. Considering the above circumstances, both these applications are dismissed.

8. The SHO shall place a copy of this order before the learned ACJM forthwith.

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**GIRISH KATHPALIA
(JUDGE)**

JANUARY 27, 2026/ry