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

+ CRL.M.C. 4264/2017 & CRL.M.A. 17126/2017, 16917/2021,
16953/2021

RAM CHANDER SONI

.....Petitioner

Through: Mr. Ajay Verma, Ms. Smriti S. Nair
and Ms. Sneha Sejwal, Advs.

versus

STATE NCT OF DELHI & ORS

.....Respondents

Through: Ms. Shubhi Gupta, APP.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **01.07.2026**

1. The present petition assails the orders dated 19.08.2017 and 21.08.2017 ("**Impugned Orders**") passed by the Additional Sessions Judge.
2. The facts of the case would indicate that while considering the petitioner's application for regular bail, the Additional Sessions Judge, *vide* impugned orders, *inter alia*, directed the personal appearance of the Deputy Commissioner of Police (DCP), observed that separate FIRs ought to have been registered in respect of different complaints, directed that the investigation be entrusted to a senior officer under the supervision of the DCP and also issued certain directions regarding the manner in which the investigation was to be conducted.
3. The sole grievance of the petitioner is that while exercising jurisdiction on a bail application, the Additional Sessions Judge travelled beyond the permissible limits of such jurisdiction by issuing directions



governing the conduct of investigation, including observations requiring the registration of separate FIRs and filing of separate charge-sheets.

4. The Supreme Court in the case of ***State (NCT) of Delhi v. Khimji Bhai Jadeja***¹, in paragraph no.22 has held as under:

“22. The inference to be drawn from the chargesheets, as filed, is left to the Magistrate concerned to consider, so as to ascertain whether the various acts of cheating attributed to the accused persons constitute part of the ‘same transaction’, thereby bringing them within the ambit of Section 220(1) CrPC and Section 223 (a) & (d) CrPC. If the offences formed part of the same transaction, the Magistrate would be entitled to charge and try them together, as enabled by the aforesaid provisions, as it would be in the larger public interest to do so. Further, in such an event, as pointed out in Amish Devgan (supra), the complainants, who would then be treated as witnesses in relation to the FIR which was first registered, would be entitled to file protest petitions in the event of a closure report being filed or if the Magistrate is inclined to discharge the accused, and the Magistrate concerned is bound to consider the same on merits. Coming to the aspect of sentencing, the provisions of Section 71 IPC along with Sections 31 and 325 CrPC would have to be adhered to, depending upon the established facts and findings in the case.”

5. The aforesaid exposition of law leaves no manner of doubt that the issue as to whether different allegations constitute part of the same transaction and whether they ought to culminate in a single or multiple charge-sheets is not to be pre-judged while considering an application for bail. Such determination falls within the jurisdiction of the Magistrate concerned, who is required to consider the charge-sheets and the material placed before it for deciding the applicability of Sections 220(1) and 223(a) & (d) Cr.P.C. Any observation or direction issued at the stage of bail requiring registration of separate FIRs or filing of separate charge-sheets would, therefore, trench upon an issue reserved for determination by the

¹ 2026 SCC OnLine SC 19



jurisdictional Court in accordance with law.

6. In view of the observations made in ***Khimji Bhai Jadeja (supra)*** the order dated 19.08.2017 and 21.08.2017 with respect to registration of separate FIR and filing of chargesheet pursuant thereto stands set aside.

7. Petition along with pending application, stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

JULY 01, 2026/P/SS