OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
NEW DELHI DISTRICT, PATIALA HOUSE COURTS, NEW DELHI

CIRCULAR

In compliance of the directions of the Ld. Principal District & Sessions Judge, New Delhi District, PHC, New Delhi, a letter No. 96855 dated 08-12-2025 alongwith a copy of Judgment dated 03-12-2025 passed by Hon'ble High Court of Delhi in Bail Application no. 2782/2025 titled as " Saahil @ Sahil Vs The State of NCT of Delhi. has been uploaded on the official website i.e. newdelhi.dcourts.gov.in.

Therefore, it is requested to kindly peruse the abovesaid judgment from the official website for kind information & necessary compliance of the said judgment.

18/12/25

(Deepali Sharma)
Officer-in Charge, General Branch
Ld. District Judge-Commericial Court-03
New Delhi District, PHC, New Delhi.

No. 56 /Genl./NDD/PHC/2025 Dated, Delhi the 8.1.26

Copy to :-

1. All the Ld. Judicial Officers at PHC, New Delhi.
2. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
3. PS to the Ld. Principal District & Sessions Judge, NDD, PHC, New Delhi for information.
4. Ld. Officer-in Charge, Computer Branch, PHC, New Delhi with the request to direct the concerned official to upload the same on the website of New Delhi District Courts as per rules.
5. Dealing Assistant, R & I Branch for uploading the same on LAYERS.
6. Administrative Officer (Judicial), PHC, to circulate the aforesaid judgment through WhatsApp. Group of Ld. Judicial Officers of New Delhi District.

19/12/25

Officer-in Charge, General Branch
Ld. District Judge-Commericial Court-03
New Delhi District, PHC, New Delhi.

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

% *Judgment reserved on: 14.10.2025*
Judgment pronounced on: 03.12.2025
Judgment uploaded on: 03.12.2025

\+ **BAIL APPLN. 2782/2025**

SAAHIL@ SAHIL .....Petitioner

Through: Mr. Khan Zulfiqar Khan, Mr. Deepak Kumar Mishra, Mr. Imran Saifi, Advocates.

Versus

THE STATE NCT OF DELHI .....Respondent

Through: Mr. Naresh Kumar Chahar, APP for the State.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J

1. The applicant had approached this Court, by way of this application, praying for grant of regular bail in case arising out of FIR bearing no. 0142/2025, registered at Police Station Mohan Garden, Delhi for the commission of offence punishable under Sections 363/376/506 of the Indian Penal Code, 1860 [hereafter '*IPC*'] and Section 6 of Protection of Children from Sexual Offences Act, 2012 [hereafter '*POCSO Act*'].

2. Brief facts of the case are that the present FIR was registered

on the complaint of the mother of the victim, a minor girl aged about 15 years. It is alleged that the accused, who resided in the same neighbourhood, was known to the family of the victim, and both families frequently visited each other's houses. In September 2022, when the victim had gone to the house of the accused to return some household utensils, the accused had followed her into the kitchen, expressed his affection towards her, and upon her refusal, allegedly threatened her with dire consequences and had subjected her to sexual assault. It is further alleged that thereafter, the accused had continued to contact the victim through mobile calls and WhatsApp messages, and had repeatedly pressured her to maintain physical relations with him. In June 2024, when the accused had called the victim to his house on the pretext of preparing a meal, he again had allegedly committed forcible sexual intercourse with her and threatened her not to disclose the incident to anyone. On 14.01.2025, at around 5:00 PM, the accused had once again called the victim to his house and allegedly repeated the offence, further extending threats to kill the victim's parents if they refused to marry her to him.

Procedural Background

3. The present accused/applicant had initially filed his first bail application before the learned Trial Court, which was dismissed *vide* order dated 13.05.2025. Thereafter, the applicant had approached this Court by filing a bail application; however, the same was returned under defects. In the meantime, the Investigating Officer (I.O.) had

filed the charge sheet before the learned Trial Court. Subsequently, the applicant again had approached the learned Trial Court by moving a regular bail application, which also came to be dismissed *vide* order dated 10.07.2025.

4. Thereafter, the present bail application was filed before this Court. Notice was issued to the State and a direction was passed to file a Status Report, *vide* order dated 28.07.2025. The matter was accordingly listed for hearing on 24.09.2025.

5. During the hearing on 24.09.2025, the learned APP for the State informed this Court that, despite the pendency of the present bail application before this Court, the learned Trial Court had granted bail to the accused *vide* order dated 04.09.2025. Taking note of this submission, this Court, *vide* order dated 24.09.2025, had directed the learned Trial Court to submit a report clarifying whether the applicant had disclosed the pendency of the present bail application before this Court while seeking bail before it. The learned Trial Court was also called upon to send the complete record of the case and explain why it proceeded to decide the bail application when the I.O., in his reply, had specifically brought to its notice that a bail application of the applicant was pending before this Court for 24.09.2025.

6. This Court has examined the report of the learned Trial Court as well as the entire record placed before it.

Conduct of the Petitioner

7. From the record, it emerges that after notice had been issued

by this Court on 28.07.2025 and the matter had been scheduled for 24.09.2025, the victim was examined before the learned Trial Court on 02.09.2025. During her testimony, she turned hostile and did not support the case of the prosecution. It was primarily on this development that the learned counsel for the applicant chose to move a fresh bail application before the learned Trial Court on 03.09.2025.

8. This Court has pursued the contents of the third bail application filed before the learned Trial Court on 03.09.2025. *It is with a sense of disapproval*, that this Court notes that in the contents of the said bail application filed before the learned Trial Court on behalf of the petitioner, it is *nowhere disclosed* that the present bail application had been filed before this Court and notice had been issued and the same was fixed for hearing on 24.09.2025.

9. The conduct of the learned counsel for the accused/applicant in withholding the factum of pendency of the present bail application, while filing a fresh bail application before the learned Trial Court is not appreciable. Every advocate is expected to act with fairness, candour and transparency, and to place all relevant facts before the Court so as to assist in the proper administration of justice. The failure to disclose that a bail application on the same cause of action was already pending before this Court would essentially amount to suppression of a material fact.

Judicial Propriety and Parallel Bail Proceedings

10. However, at the same time, it is also clear that the pendency of

the present bail application was well within the knowledge of the I.O., who, in his reply before the learned Trial Court dated 04.09.2025, expressly stated in paragraph 5:

> "5. The chargesheet of the case has been filed before the Hon'ble Court and the bail of accused is also pending in Hon'ble High Court which is to be listed for 24.09.2025."

11. Despite this categorical assertion, the learned Trial Court proceeded to entertain and decide the bail application filed by the applicant.

12. It was expected that the learned Trial Court would duly take note of this fact, expressly brought to its attention by the I.O. – that a bail application filed by the accused in respect of the same FIR was already pending consideration before this Court. Judicial propriety and discipline require that when a similar application involving the same accused and the same cause of action is pending before a superior court, the subordinate court must exercise due caution and ordinarily refrain from adjudicating upon it.

13. In this context, it may be useful to refer to certain precedents where the Courts have emphasised the need to avoid parallel or simultaneous proceedings. The Hon'ble Supreme Court, in ***Rukmani Mahato v. State of Jharkhand****: (2017) 15 SCC 574*, had observed that the practice of entertaining a regular bail application before the Trial Court while an anticipatory bail application concerning the same accused is pending before a higher forum must be discouraged and put to an end.

14. Similarly, in ***Sreeja D G v. Anitha R. Nair****: SLP (Crl.) 6677/2025*, the Hon'ble Supreme Court held that where the order granting anticipatory bail was already under challenge before the Supreme Court and notice had been issued, the High Court could not have modified the conditions of the bail order, as doing so would violate judicial propriety.

15. In ***Chhavi Mehrotra v. Director General, Health Services:*** *1995 Supp (3) SCC 434*, the Hon'ble Supreme Court deprecated the conduct of instituting parallel writ petition before the High Court during the pendency of a writ petition on same issue, filed by the same petitioner, before the Supreme Court itself.

16. Of particular relevance is the decision of the Punjab and Haryana High Court in ***Kulwant Singh v. State of Punjab****: CRM-M-52620-2019 (O&M)*, wherein the accused had filed bail applications before the High Court and, without disclosing the said pendency, had simultaneously approached the Trial Courts for grant of bail, which thereafter had granted bail to the petitioners therein. Though the Court did not set aside the bail orders passed by the Trial Courts, since bail had been granted to the accused persons on merit, nevertheless, the Punjab and Haryana High Court strongly deprecated the practice of filing parallel bail applications without disclosing the factum of pendency of bail application before higher court and imposed costs on the petitioners. It further laid down safeguards to curb such conduct, directing that every bail application must mandatorily mention whether any similar application has been moved

before any other court and, if so, its status, so as to maintain transparency, prevent forum shopping, and preserve the fairness of the judicial process

17. In light of the above judicial precedents, there can be no doubt that the learned Trial Court ought to have exercised greater caution before proceeding to entertain the bail application filed before it, particularly when it had been expressly brought to its notice by the I.O. that a bail application concerning the same accused and the same FIR was already pending before this Court. Judicial discipline requires that when a matter is seized of by a superior court, the Trial Court below in hierarchy must refrain from passing any order which may result in parallel adjudication or create a potential conflict of decisions. This judicial discipline is not a mere technicality; it serves an important purpose by ensuring that courts speak with one voice, that there are no conflicting or overlapping orders on the same issue, and that the hierarchical structure of the judicial system is respected and allowed to function smoothly. Although it is true that there is no absolute statutory bar restraining the Trial Court from considering a bail application solely because a similar application is pending before a higher court, the principle of comity between courts demands that the subordinate court should, *at the very least*, direct the applicant to first withdraw the application pending before the higher forum, before it proceeds to decide a similar application on merits.

18. In the present case, therefore, this Court is of the considered view that the learned Trial Court ought not to have proceeded to

decide the bail application when it was already aware, through the reply filed by the I.O., that a bail application in respect of the same FIR and by the same accused was pending before this Court; *however*, it would not be appropriate at this stage to curtail the liberty that already stands granted to the applicant. The fact remains that the bail has been granted to the applicant herein on the ground that both the victim and her father have turned hostile before the Trial Court. In these circumstances, recalling or interfering with the bail already granted to him would not serve the ends of justice. This Court, therefore, refrains from interfering with the order granting regular bail to the applicant in any manner. *Nonetheless*, the lapse on the part of the learned Trial Court in proceeding with the matter despite the pendency of this bail application before this Court is duly noted.

Conclusion

19. Before parting with this case, this Court is of the considered opinion that permitting such a practice to continue unchecked would have serious consequences for the administration of criminal justice. If accused persons are allowed to simultaneously approach multiple courts with bail applications concerning the same FIR, it would inevitably encourage forum shopping, where an accused selectively chooses or shifts forums in the hope of securing a favourable order. Such conduct may create possibilities of passing of conflicting judicial orders on the same issue, and weaken the judicial discipline that must be maintained between courts functioning within a hierarchical system. It also places unnecessary burden on the courts

and leads to confusion in the proceedings, as two courts may unknowingly be called upon to adjudicate the same relief at the same time. Therefore, in order to preserve the integrity of the judicial process, prevent misuse of procedure by accused persons, and ensure that bail adjudication remains coherent and consistent across forums, this Court deems it appropriate to reiterate that all learned counsel filing bail applications before any Court shall mandatorily disclose, in clear and unambiguous terms, whether any other bail application concerning the same FIR and the same accused is pending before any other Court, and, if so, the complete particulars and present status of such application.

20. It shall also be the duty of the Investigating Officer concerned to apprise the Court of the pendency of any bail application filed by the accused before any other Court, and such disclosure must form an essential part of the I.O.'s written reply or status report filed before the Court.

21. Since, in the present case, the learned Trial Court overlooked the specific mention in the status report filed by the I.O. that a bail application of the accused was pending before this Court, it is impressed upon the learned Judges of the Trial Court to ensure that, before considering any bail application, they satisfy themselves – either from the status report or from the submissions of learned counsel for the accused – whether any application for the same relief is pending adjudication before a higher Court.

22. With these observations, the present application is disposed of.

23. A copy of this order be circulated to the Principal District and Sessions Judges of all District Courts in Delhi, who shall in turn communicate the same to all concerned Judicial Officers for necessary information and compliance.

24. The judgment be uploaded on the website forthwith

DR. SWARANA KANTA SHARMA, J

DECEMBER 03, 2025/ns