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, regarding Judgment / order dated 20-05-2026 passed by the Hon'ble High Court of Delhi, New Delhi in Crl M.C-5769/2022, CRL M.A 22715/2022 titled as Aishvir Singh (Inspector) Vs State has been uploaded on the official website i.e. newdelhi.dcourts.gov.in.

Therefore, it is requested to kindly peruse the abovesaid Judgment / order dated 20-05-2026 from the official website for kind information & necessary compliance.

4/6/2026

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

No. 1953 - 1958/Genl./NDD/PHC/2026 Dated, Delhi the 6/6/26

Copy to :-

1. The Ld. Registrar General Hon'ble High Court of Delhi, New Delhi for information.
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3. 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.
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Officer-in Charge, General Branch
District Judge, Commericial Court -03
New Delhi District, PHC, New Delhi.

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

Reserved on: May 06, 2026

% ***Pronounced on: May 20, 2026***

\+ **CRL.M.C. 5769/2022, CRL.M.A. 22715/2022**

AISHVIR SINGH (INSPECTOR) **.....Petitioner**

Through: Mr. Dayan Krishnan, Sr. Adv. and Mr. Gautam Narayan, Sr. Adv. with Mr. Sukrit Seth, Mr. Sreedhar K., Ms. Radhika and Ms. Ananya Sharma, Advocates
Mr. Ranbir Singh K., Mr. Ayush Bhattal and Mr. Chaitanya Singh, Advs.

Versus

STATE **.....Respondent**

Through: Mr. Satish Kumar, APP with Ms. Upasna Bakshi, Mr. Aditya Vikram Singh and Mr. Dinesh Kr., Advocates with SI Chetan Panwar, PS: Chhawla
Mr. Sanjeev Bhandari, ASC with Mr. Arjit Sharma, and Ms. Sakshi Jha, Advs.

\+ **CRL.M.C. 1664/2024, CRL.M.A. 6403/2024**

GYANENDER **.....Petitioner**

Through: Mr. Ranbir Singh K., Mr. Ayush Bhattal and Mr. Chaitanya Singh, Advs.

Versus

STATE **.....Respondent**

Through: Mr. Satish Kumar, APP with Ms. Upasna Bakshi, Mr. Aditya Vikram Singh and Mr. Dinesh Kr.,

Advocates with SI Chetan Panwar, PS: Chhawla
Mr. Sanjeev Bhandari, ASC with Mr. Arjit Sharma, and Ms. Sakshi Jha, Advs)

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present petition(s) under *Section 482* of the Code of Criminal Procedure, 1973[1] read with *Article 227* of the Constitution of India, the petitioner(s) seek setting aside of the order dated 22.02.2022[2], alongwith all the consequential order(s)/ direction(s) pursuant thereto, passed by the learned Additional Sessions Judge (FTSC) (POCSO)-02, Dwarka Courts, New Delhi[3].

2. *Succinctly put*, the present FIR was registered on 21.06.2019 under *Section 363* of the Indian Penal Code, 1860[4] pursuant to the complaint made by the complainant since her minor daughter (***victim***) was missing from her residence. After due investigation, the victim was recovered and her medical examination was conducted, whereafter her statements under *Sections 161 and 164* of the CrPC came to be recorded. Pursuant thereto, *Sections 328 and 376* IPC as also *Section 4* of the Protection of Children from Sexual Offences Act, 2012[5] were added in the matter.

3. It is the case of the petitioner(s) that the investigation was initially conducted by ASI Ram Lal, who undertook steps for tracing the victim

[1] Hereinafter "***Cr.P.C.***"
[2] Hereinafter "***impugned order***"
[3] Hereinafter "***ASJ***"
[4] Hereinafter "***IPC***"
[5] Hereinafter "***POCSO***"

immediately upon registration of the FIR, including visits to various locations, collection of relevant records and circulation of information through appropriate channels. Upon recovery of the victim, the investigation was thereafter transferred to other IO(s) from time to time. In fact, the petitioner in CRL.M.C. 5769/2022 (*the then IO*) and the petitioner in CRL.M.C. 1664/2024 (*the then Head Constable),* claim that they had discharged their duties in accordance with law during their respective tenures and substantial progress in investigation had already taken place during the period of their postings.

4. More so, during the course of investigation, one of the co-accused persons in the aforesaid FIR made an application seeking anticipatory bail before the learned ASJ, which was although disposed *vide* order dated 22.02.2022, however, the learned ASJ called for the Status Report *qua* cause/ reasons for delay of the investigation. The relevant portion of the said order reads as under:-

> "*… …The present FIR was registered on 21.06.2019. However, the investigation has not been completed as yet. IO SI Sapana has stated that she has been assigned this case on 31.01.2022.*
>
> *Let report in writing be called from previous IO and SHO concerned as to why the investigation has not been completed in the case till date. Previous IO and SHO are directed to appear in person on the next date of hearing… …*"
>
> ***[Emphasis Supplied]***

5. Thereafter, the learned ASJ, *vide* a subsequent order dated 12.04.2022, had recorded as under:-

> "… …*Accordingly, departmental enquiry has been ordered against Inspector Aishvir Singh and Inspector Gyanender*

> *Rana, the then SHOs and the then MHCR PS Chhawla, i.e. HC Sunil No. 1249/DW. Explanation of this officials namely, Sh. Anto Alphone (IPS), Sh. Santosh Kumar Meena (JPS) and Sh. Shankar Choudhary (IPS) who have remained posted as DCP / Dwarka during the given period, is being called for lack of supervision on their part. Further, explanation notices are being issued to Sh. Kulbir Singh, the then ACP / Chhawla and Sh. Manoj Kumar Meena, ACP / Chhawla for their supervisory lapses into the matter.*"
>
> [***Emphasis Supplied***]

6. As evident from above, despite disposal of the anticipatory bail application, the learned ASJ continued to retain the proceedings on board and proceeded to call for the Status Reports regarding the progress of investigation in the aforesaid FIR. Thereafter, the learned ASJ had also directed departmental enquiry as also explanations from the then concerned SHO(s), previous SHO(s) and IO(s) regarding the alleged delay in completion of investigation, directing their appearance before the Court, and continued to monitor proceedings thereof against the petitioner(s) and other Police Officials.

7. In the proceedings before this Court, the direction to conduct a departmental enquiry *qua* the delay in investigation as also the directions to expedite the same, were stayed by this Court *vide* order dated 16.12.2022.

8. Learned (senior) counsel for the petitioner(s) submitted that the impugned order as also the consequential orders reflect judicial overreach, since the learned ASJ had become '*functus officio*' upon disposal of the anticipatory bail application. Hence, he could not have continued the proceedings for calling Status Reports, summoning Police Officials or monitoring the disciplinary proceedings arsing therefrom.

9. The learned senior counsel further submitted that adverse

observations and directions for initiation of departmental enquiry were issued against the petitioner in CRL.M.C. 5769/2022 without affording him an opportunity to be heard, making the said action a clear violation of the principles of natural justice, especially as the impugned observations virtually prejudged the conduct of the said petitioner rendering the disciplinary enquiry a mere formality. Reliance was placed upon the judgment(s) entitled ***State of West Bengal v. Mir Mohammad Omar***,[6] ***Om Prakash Chautala v. Kanwar Bhan***,[7] ***Teesta Setalvad v. State of Gujarat***[8] and ***Dr. Dilip Kumar Deka v. State of Assam***[9] to contend that adverse/ disparaging remarks cannot be made against a person without affording an opportunity of hearing, unless such remarks are necessary for adjudication of the *lis*.

10. Learned (senior) counsel for the petitioner(s) also submitted that the learned ASJ exceeded its jurisdiction in directing and monitoring disciplinary proceedings against Police Officials, which fall within the administrative domain of the Police Department. Reliance in this regard is placed upon ***Pramod Kumar Jha v. State of Bihar***[10], as also judgments passed by Co-ordinate Benche(s) of this Court in ***State v. Yogender Singh***[11] and ***Rakesh Chand v. State***[12] wherein it was held that though a Court may express displeasure regarding lapses in investigation, it cannot direct initiation or monitoring of disciplinary proceedings against Police Officials,

[6] (2000) 8 SCC 382
[7] (2014) 5 SCC 417
[8] (2004) 10 SCC 88
[9] (1996) 6 SCC 234
[10] Criminal Appeal No.1092/2022
[11] 2015 SCC OnLine Del 14203
[12] 2015 SCC OnLine Del 14193

as the same amounts to pre-judging their conduct and encroaching upon administrative functions of the Police Department.

11. Learned APP for the State, supported all the aforesaid contentions made by the learned (senior) counsel for the petitioner(s), and submitted that the fate/ result/ outcome of the proceedings against the concerned Police Officials was beyond jurisdiction of the learned ASJ and adverse remarks passed, without affording an opportunity to be heard, is a blatant violation of the principles of natural justice.

12. Based on the submissions made by the learned (senior) counsel for the petitioner(s) as also the learned APP for the State as well as perusal of the pleadings as also judgments on record, in a nutshell, the whole issue is revolving around the scope/ extent of jurisdiction vested in the learned ASJ under the concurrent circumstances, especially, in directing a departmental enquiry and following up the same after disposal of the anticipatory bail application.

13. It is well settled position of law that whilst considering an application for grant of bail, the Court is only required to, based on the records available before it and upon its satisfaction, take a decision *qua* either grant and/ or dismissal thereof. The Court, under no circumstances, is to spread its wing far beyond the reach by leaning towards something which is not within its purview while adjudicating an application for grant of bail. In effect, it is not the domain of the Court to pass directions/ strictures beyond its jurisdiction while considering an application for grant of bail. In fact, the Hon'ble Apex Court in ***State v. M. Murugesan***[13], while

[13] (2020) 15 SCC 251

considering the question regarding scope of jurisdiction of Court, while considering an application for grant of bail, had categorically observed as under:-

> "*11. We find that the learned Single Judge [M. Murugesan v. State, 2019 SCC OnLine Mad 12414] has collated data from the State and made it part of the order after the decision [M. Murugesan v. State, Criminal Original Petition No. 1618 of 2019, order dated 18-2-2019 (Mad)] of the bail application, as if the Court had the inherent jurisdiction to pass any order under the guise of improving the criminal justice system in the State.* ***The jurisdiction of the court under Section 439 of the Code is limited to grant or not to grant bail pending trial. Even though the object of the Hon'ble Judge was laudable but the jurisdiction exercised was clearly erroneous****. The effort made by the Hon'ble Judge may be academically proper to be presented at an appropriate forum but such directions could not be issued under the colour of office of the court.*"
>
> [***Emphasis Supplied***]

14. In light of the above, once in the present scenario, there is no dispute that the learned ASJ had *admittedly* disposed of the application for grant of anticipatory bail through a final order/ judgment, hence, all actions taken thereafter by the said learned ASJ, were well beyond the permissible scope, as once the proceedings before the learned ASJ stood concluded/ closed, there was nothing surviving/ alive and/ or pending before him for whatever reason(s). As such, for all purposes, the learned ASJ was '*functus officio*' after disposing of the application for grant of anticipatory bail.

15. Therefore, directing departmental enquiry and following up the same alongwith passing adverse remarks against the incumbents, and that too without issuing any notice(s) upon the petitioner(s) calling for any response from their side(s) was completely unwarranted and impermissible.

16. In fact, the Hon'ble Supreme Court in ***Mir Mohammad Omar (supra)*** whilst addressing the issue of judicial overreach, had held as under:-

> "*41. The Division Bench of the High Court instead of dealing with the circumstances of the case and issues involved made only some general comments and after castigating the investigating officers in severe language reached the final part of its judgment upholding the conviction under Section 364/34 IPC and reduced the sentence to the period which the convict had already undergone. The Division Bench used unkind remarks against the investigating officer saying "investigation of the case was perfunctory and suffered from serious lacuna and irregularity". Learned Judges of the Division Bench did not make any reference to any particular omission or lacuna in the investigation. Castigation of investigation unfortunately seems to be a regular practice when the trial courts acquit accused in criminal cases. In our perception it is almost impossible to come across a single case wherein the investigation was conducted completely flawless or absolutely foolproof.* ***The function of the criminal courts should not be wasted in picking out the lapses in investigation and by expressing unsavoury criticism against investigating officers. If offenders are acquitted only on account of flaws or defects in investigation, the cause of criminal justice becomes the victim. Effort should be made by courts to see that criminal justice is salvaged despite such defects in investigation. Courts should bear in mind the time constraints of the police officers in the present system, the ill-equipped machinery they have to cope with, and the traditional apathy of respectable persons to come forward for giving evidence in criminal cases which are realities the police force have to confront with while conducting investigation in almost every case****. Before an investigating officer is imputed with castigating remarks the courts should not overlook the fact that usually such an officer is not heard in respect of such remarks made against*

> *them.* ***In our view the court need make such deprecatory remarks only when it is absolutely necessary in a particular case, and that too by keeping in mind the broad realities indicated above***."
>
> [***Emphasis Supplied***]

17. The aforesaid position has, time and again, been reiterated, particularly in a judgment rendered by a Co-ordinate Bench of this Court entitled ***Ajit Kumar v. State (NCT of Delhi)***[14] as well. The same has, in fact been followed in various subsequent decisions, the most recent one being ***State (NCT of Delhi) v. Nilesh Mishra and Ors.***,[15] which reads as under:-

> "*51. Consequently,* ***the learned Trial Court while considering the application for grant of bail cannot pass directions/ strictures since the jurisdiction of the Court on such an occasion is limited to either the grant or dismissal of bail of the accused pending trial****.*
>
> *52. It is not in doubt that the orders of the Court must be obeyed and complied with. Further, no individual shall be allowed to diminish the authority and majesty of the Court. However,* ***scathing remarks tend to have lasting consequences. It cannot be overlooked that every word that forms part of the record/judicial order gains permanence****.*
>
> *53. For this reason, strong criticism, vituperative remarks, may have a devastating impact on the reputation and career of the officials involved in the case.* ***Such remarks, as has been observed by Courts in a catena of decisions, are not only unnecessary but also have serious consequences on the careers of public servants.***"
>
> [***Emphasis Supplied***]

18. In light of the above, although this Court appreciates the diligence/ concern *qua* the alleged issues of delay in investigation demonstrated by

[14] 2022 SCC OnLine Del 3945
[15] 2025 SCC OnLine Del 812

the learned ASJ, however, considering the means and manner of directing a departmental enquiry and following up the same, alongwith passing adverse remarks, adopted therein, which are beyond the scope and ambit of the learned ASJ, especially whence it was only dealing with an application for grant of anticipatory bail, the present petition deserves to be allowed.

19. In view of the afore-going, the present petitions are allowed and the impugned order dated 22.02.2022 passed by the learned Additional Sessions Judge (FTSC) (POCSO)-02, Dwarka Courts, New Delhi and all the consequential proceedings/ directions passed pursuant thereto are set aside and the adverse remarks, if any, are expunged.

20. Accordingly, the present petitions along with the pending application(s), are disposed of in the aforesaid terms.

21. Since this Court, despite repeated orders passed by the Hon'ble Supreme Court and this Court, has had the occasion of coming across various orders of similar nature passed by the learned Trial Court(s), let a copy of this judgment be sent to the Principal & District Judges of all the districts for onward circulation to all the concerned Judges and for onward notification to proceed keeping in mind the purport and meaning of an application for grant of (anticipatory) bail.

SAURABH BANERJEE, J.

MAY 20, 2026/ab/aks