

5 Bail Matters /2026

STATE OF DELHI Vs. AND ORS.
TRANSIT BAIL
FIR No. /2026
PS (Civil Lines)

Present: Sh.Himanshu Garg, Ld. Addl. PP for the State.
Sh. Rahul Yadav and Ms. Khushi Gola Ld. Counsels
for the applicant/accused.
Sh. Aryender Singh, Sh. Saravjeet Singh, Ld.
Counsel for complainant.
Complainant is present through VC.
IO ASI Mander Singh from Patiala in person.

FIR under section 316 (2), 318 (4), 85 and 61
(2)BNS has been registered against the applicant, ,
, , , who have approached
this court seeking Transit Anticipatory Bail.

It is stated that father-in-law of
the complainant was arrested in this matter and he has been granted
regular bail by the court concerned in Patiala.

It is contended by Ld. Counsel for the
applicant/accused that the applicants fear arrest and they seek time
under protection granted by this court in the form of Transit
Anticipatory Bail to approach the concerned court in Patiala.

It is also contended that, the present FIR is an
outcome of a matrimonial dispute which has been given color of
this criminal case. It is also contended that, the applicants will
suffer irreparable loss, including loss of goodwill in the society, if
temporary anticipatory bail is not granted to them.

It is also contended that the applicant/husband of the complainant namely [REDACTED] is a government employee working in a PSU, Power Grid Corporation and if he is arrested then his job will be effected. Further, applicant [REDACTED] is mother-in-law of the complainant and is a senior citizen around 60 years of age. Further, [REDACTED] is brother-in-law and [REDACTED] is sister-in-law/wife of [REDACTED].

The court has perused the translated copy of the FIR filed by the applicant.

This court has also perused the reply filed by the SHO Police Women Station, Patiala and the written arguments/objections filed on behalf of the complainant.

Ld. Addl. PP for the State and Patiala Police and the counsel for the complainant oppose the Transit Anticipatory Bail of the applicants on the following grounds; viz

- 1) That [REDACTED], has already applied for anticipatory bail at Patiala; and once she has filed anticipatory bail, then there is no question of Transit Anticipatory Bail;
- 2) Notice was issued to the applicants and the applicants refused to take notice and the investigating officer has a proper video documentation of the same;
- 3) The offences alleged attract less then 7 years of imprisonment, therefore, the guidelines laid down in the judgment of **Arnesh Kumar vs State of Bihar** and **Satender Kumar Antil vs CBI & Anr (Supreme Court)**. judgment are to be followed which shall be meticulously followed by the IO, failing which he may be subjected to departmental inquiry;

4) When one of the applicant has already approached courts in Patiala seeking anticipatory bail then other applicants could have also approached the courts in Patiala, but they preferred not to do so;

5) The FIR is registered on 15.05.2026 and since then despite having full knowledge of proceedings, the applicants did not approach Patiala Courts for seeking anticipatory bail.

In rebuttal, Ld. Counsel for the applicant submits that the anticipatory bail filed by [REDACTED] has not been listed yet and is pending in defects. It is also contended that the applicants became aware about the FIR on 13.06.2026, when [REDACTED] was arrested.

Ld. Counsel for the complainant submits that it is clearly held in Priya Indoria's judgment that, transit anticipatory bail can be granted, but the same can be granted only under extreme compelling circumstances. It is also contended that if transit anticipatory bails are granted in routine manner then tomorrow people from Ghaziabad, UP, or from elsewhere will approach Delhi Courts to seek transit anticipatory bail and misuse the provision of law meant to safeguard people.

In rebuttal, it is contended that the applicants are residents of Civil Lines, Delhi, therefore, they have invoked the jurisdiction seeking transit anticipatory bail by moving this court. It is contended that misuse of the provision could be established, if the applicants instead of approaching Delhi Courts would have approached courts in some other State to seek the relief. It is also contended that the complainant is also present posted at Delhi

Airport and is resident of Delhi. To this, the complainant who is present through VC submits that she is under transfer and very shortly she will be transferred to Patiala.

Heard and perused.

This court is satisfied that the applicants had sufficient amount of time to approach the courts at Patiala for seeking anticipatory bail. However this court is also cognizant of the fact that the applicants are not accused of any heinous offence. The allegations against the applicants arise out of a matrimonial dispute. This court finds merit in the submissions made by Ld. Counsel for applicants that it is only after arrest of [REDACTED], father-in-law of the complainant that, the imminent need of seeking anticipatory bail was considered.

In the overall facts and circumstances of this case, the Transit Anticipatory Bail application of all the four applicants namely [REDACTED], [REDACTED], [REDACTED], [REDACTED] is allowed for a period of 04 days from today subject to following conditions; viz

- (i) Personal bond in sum of Rs. 50,000/- each with one surety of like amount be furnished;**
- (ii) All applicants shall appear before the Patiala Courts on or before 27.06.2026 by 02:00 PM.**
- (iii) The accused shall not indulge in any criminal activity during the period of Transit Anticipatory Bail and shall not contact any witness or any person relating to the present case and shall not temper with the evidence;**

- (iv) The applicants shall provide their contact number and residential address (temporary as well as permanent) on affidavit to the IO along with ID proof and shall not change his address and contact number without informing the IO;
- (v) The applicant, shall not leave the country without prior permission of the court;
- (vi) This order will automatically come to an end on 27.06.2026.

It goes without saying that even upon expiry of transit anticipatory bail, still the investigating officer is obliged and expected to follow all the conditions and guidelines laid down by judgments of **Arnesh Kumar vs State of Bihar** and **Satender Antil vs CBI (Supreme Court)**

Copy of order dasti to Ld. Counsel for the applicants.

Copy of order dasti to Ld. Counsel for complainant.

Copy of order dasti to Patiala Police against receiving.

Proceedings be also sent to Bail Section for intimation and record.

Proceedings be also sent to IC/Dak Section with direction to formally send a copy of this order to court concerned through proper channel as well as through e-mail.

(Sumeet Anand)
Vacation Judge
DJ-11/Central/THC
[REDACTED]