



2026:DHC:7282



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 31.08.2026

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CNR No. DLHC010273822026

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BAIL APPLN. 2406/2026**RAJKUMAR**

.....Petitioner

Through: Mr. Shrikant Sharma, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sabharwal, APP for State with
Inspector Puneet Bhati and SI Ashok
Kumar.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicants seek regular bail in case FIR No. 293/2024 of Police Station Nangloi for offence under Section 370/34 IPC and 81 JJ Act.
2. Status report was not filed. However, at request of both sides, I have heard the arguments.
3. Broadly speaking, the prosecution allegation is that the accused/applicant is involved in child trafficking. According to prosecution, the accused/applicant and co-accused Gayatri impersonated as husband and wife, and they took an infant girl in adoption. Thereafter, they sold away the said girl infant to co-accused Deepika, who sold away the child further.

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4. Learned counsel for accused/applicant submits that he is in custody for past two and a half years and all public witnesses stand examined in trial. Learned counsel for accused/applicant vehemently denies any incriminating role as alleged by prosecution. It is contended by learned counsel that the accused/applicant has been falsely implicated simply because he happens to be paternal uncle of the co-accused Deepika, who has been granted bail. It is also submitted by learned counsel that the main accused Dr. Kulvinder Kaur has not been arrested by the police till date, so the accused/applicant deserves the relief sought.

5. Learned APP for State, assisted by Investigating Officer/Inspector Puneet Bhati and SI Ashok Kumar, strongly opposes the bail application in view of nature of the offence. Further, it is submitted by learned APP for State on instructions of the Investigating Officer that the accused/applicant is clearly visible in photographs while taking custody of the adopted infant. As regards co-accused Dr. Kulvinder Kaur, I have asked the Investigating Officer/SI Ashok Kumar to explain her status, but in this regard submission of learned counsel for accused/applicant appears to be correct that police is taking practically no action against Dr. Kulvinder Kaur.

6. **Of course, the policy of the State to selectively arrest some of the accused persons cannot be approved. The police should clearly state as to whether they want to arrest an accused or not. The Court cannot direct the police to do or not to do so. Such kind of pick and choose in matter of arrest must be deprecated. Copy of this order be sent to the**

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concerned DCP to look into the matter.

7. At this stage, learned APP for State submits that they shall ensure that Dr. Kulvinder Kaur is arrested. It seems that now the State realizes the gravity of the alleged offence.

8. I am of the considered view that merely because for some unknown reason, the police opted not to arrest one of the accused persons, the Court cannot shut its eyes to the gravity of the alleged offence.

9. One has to understand that every time custody of an infant is taken away from her biological mother, followed by the adoptive parent, followed further by other persons as happened in the present case, the infant suffers tremendous dent in her psyche, which gets manifested in her personality at some future stage. That too, in a case of present kind, provided the trafficked infant is not exploited for multiple reasons by the end purchaser.

10. It is also part of the prosecution case that the said girl infant was the sixth girl child in the family of her biological parents. As mentioned above, the accused/applicant is visible in the photographs while accepting the girl infant in presence of biological parents of the infant. Admittedly, the accused/applicant now does not have custody of that infant, who was adopted by him. The *prima facie* impression is that as alleged by prosecution, the girl infant was sold away.

11. In this regard, the role played by the investigators in this case is highly appalling. Till date, the allegedly trafficked girl child has not

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been recovered/rescued by police. On this aspect also, copy of this order be sent to the concerned DCP to make sure that the said girl child is rescued at the earliest. In this regard, status report shall be filed by the concerned DCP within four weeks.

12. Learned counsel for accused/applicant also seeks parity with co-accused Deepika. But as correctly pointed out by learned APP for State, Deepika was granted bail for the reasons completely distinct from the present case and also admittedly, Deepika is not visible in the photographs while accepting the infant girl.

13. At this stage, learned APP for State submits that Kulvinder Kaur is not even a doctor, but an unqualified nurse. The fact remains that there is no explanation for the selective arrest of the accused persons involved in the present case.

14. Considering the overall circumstances as described above, I do not find it a fit case to release the accused/applicant on bail. The bail application is dismissed.

15. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant immediately.

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GIRISH KATHPALIA
(JUDGE)

AUGUST 31, 2026/as

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