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

\# **CNR No. DLHC010533852026**

\+ **BAIL APPLN. 4759/2026**

SAHIL MALIK .....Petitioner

Through: Mr. D.K. Pandey, Advocate.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Ms. Manjeet Arya, APP for State with complainant *de facto.*

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

O R D E R

% 20.11.2026

CRL.M.A. 34774/2026 (exemption)

1. Allowed, subject to just exception.

BAIL APPLN. 4759/2026

2. The accused/applicant seeks regular bail in case FIR No.205/2026 of PS K.N. Katju Marg for offence under Section 318(4) /336(3)/340(2) /338/179/61(2)/3(5) BNS.

3. It is quite frustrating that despite repeated directions through multiple judicial orders conveyed even till the level of Commissioner of Police, there is no change in the manner in which the police department is dealing with bail applications. It has been repeatedly pointed out that earlier, the investigating officers used to brief the prosecutors a day before the hearing or at least on the same day of hearing but much prior to the commencement

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of court hearing. But in the recent past it has been observed that the investigating officers do not brief the prosecutors at all. In some of the cases, the investigating officers do not bother to even appear at the hearing to assist the prosecutor. It has been repeatedly directed that when investigating officer has to proceed on leave, the SHO should remain present after obtaining complete knowledge of the matter. But nothing has been changing.

4. In the present case also, learned APP expresses anguish that she is unable to assist because the IO/SI Saurabh Malik is on leave. There is no explanation as to why the SHO has not appeared to assist the prosecutor. More importantly, the complainant *de facto* submits that the present IO is Sandeep Chauhan not SI Saurabh Malik, but he has not appeared and there is no explanation about his failure to appear and assist.

5. Such defaults on the part of police machinery convey that they do not want to oppose the bail applications. If that be so, why do they arrest. One option would be to grant bail in such cases. But that would not be appropriate.

6. In the present case also, there are many questions that could be answered only by the IO. Present is the case of a wide based government job scam in which the accused/applicant as well as his parents allegedly induced gullible victims to pay large sums of money in return of assurance to get government jobs. As per prosecution, a number of fake appointment letters, fake stamps and forged documents of various government departments including Anganwadi, FCI, DDA, MCD, Education Department and Delhi Jail Warder Department as well as fake email IDs resembling those departments were recovered.

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7. Learned APP for State accepts notice and seeks and is allowed to file status report at least one week before the next date.

8. On this aspect also, I must observe that in some of the cases where the IO is present with investigation file, the bail matters are disposed of on the very first day. Had the IO been present in the present case with the investigation file after briefing the prosecutor, this bail application also would not have been required to be adjourned.

9. **Copy of this order be sent to the Commissioner of Police with the hope that some concrete action would be taken to streamline the system, especially as regards the cases involving personal liberty of an individual**.

10. Relist on 14.12.2026 in Advance List.

GIRISH KATHPALIA, J

NOVEMBER 20, 2026/*ry*

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