



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: September 03, 2026
Pronounced on: September 09, 2026

CNR No. DLHC010170112026
+ BAIL APPLN. 1554/2026

MOHD SAMEER

.....Petitioner

Through: Mr. Raj Kumar, Mr. H. Rehman, Mr.
Sabeel Ahmad and Ms. Deepti
Sagar, Advs. (through VC)

Versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP with SI
Muskan, PS Jhangir Puri
Mr. Sinha, Adv. for complainant

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present application under *Section 482* of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ the applicant seeks grant of anticipatory bail in FIR No.0007/2026 dated 09.01.2026 at PS.: Jahangir Puri, Delhi under *Sections 75/79/316(2)* of Bhartiya Nyaya Sanhita, 2023².

2. *Succinctly put*, it is the case of the prosecution that on 09.01.2026 the complainant lodged a complaint stating that her marriage with the applicant herein was solemnized on 22.06.2025 and at the time of engagement

¹ Hereinafter referred to as “*BNSS*”

² Hereinafter referred to as “*BNS*”



jewelry approximately worth Rs. 2,00,000/-, and Rs. 80,000/- (cash), as also other articles were given to the applicant and his family. Thence, on 30.08.2025 the complainant received a phone call from a girl claiming to be the applicant's girlfriend. Upon confronting the applicant, he abused the complainant and refused to marry her. He then also failed to return the jewelry, cash and other articles despite repeated demands. In fact, previously around June, the applicant had gone to the house of the complainant and whence no one was around, he had forcefully hugged the complainant against her will.

3. Subsequently, despite *two notice(s)* under *Section 35(3)* of the BNSS being served upon the family of the applicant during investigation, the applicant failed to join the investigation. In fact, since the applicant was intentionally evading the investigation, Non-Bailable Warrants³ were issued against the applicant on 11.03.2026, and though a raid was conducted on 24.03.2026 at his residential address, he was not found therein.

4. Thereafter, in the present application, the applicant and the complainant were referred to the Delhi High Court Mediation and Conciliation Centre⁴, which did not yield any result, however, the applicant has joined investigation on a date other than the one designated by this Court.

5. In this factual backdrop, this Court has heard learned counsels for the applicant and the complainant as also the learned APP, and has also perused the materials on record.

³ Hereinafter referred to as “NBWs”

⁴ Hereinafter referred to as “DHCMCC”



6. The facts herein disclose that though there is a delay of around six *months* in registration of the present FIR, however, the contents thereof reflect that there were undenied talks of marriage *inter-se* the applicant and the complainant, which, in fact, resulted in them both being engaged to each other during the time of the incident. The contents of the FIR also include the aspect pertaining to recovery of some articles/ items allegedly involved. What are those articles/ items require due investigation, which is at a very nascent stage, and subsequent trial as well. For all the above, custodial interrogation of the applicant is very much required. The facts herein reflect that the applicant has *admittedly* been evading joining and/ or participating in the investigation as and when called for, which has also resulted in issuance of the NBW against him, more so, since he was not found at his own residence as well.

7. It is also relevant to bear in mind that the present, at the end of the day, is an application wherein the applicant is seeking grant of an anticipatory bail, which, as held by the Hon'ble Supreme Court in ***State of Haryana v. Dharamraj***⁵ ought to be granted sparingly whilst keeping in mind the germane variables, such as the specific role attributed and possibility of absconding amongst others.

8. In light of the peculiar facts and circumstances, there might also be chances of the applicant misusing the grant of anticipatory and/ or trying to tamper with the evidence and/ or derailing the investigation and/ or influencing the witnesses given his conduct.

⁵ (2023) 17 SCC 510



9. Hence, in view of the aforesaid, the present application wherein the applicant is seeking anticipatory bail is dismissed.

10. Needless to say, expression of view(s) on the merits, if any, are solely for the purposes of adjudication of the present application and shall have no bearing on the overall case/ trial involved.

SAURABH BANERJEE, J.

SEPTEMBER 9, 2026/rr