



\$~15

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

Date of Decision: 8th September, 2026

CNR No. DLHC010301942026

+ **W.P.(CRL) 2043/2026**

SHEELA DEVI

.....Petitioner

Through: Mr. Anand Kumar and Ms.
Maheshwari Nalini Narayan,
Advocates

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.)
with Mr. Alok Sharma, Ms. Sonia
Malhotra and Mr. Pavitra Dixit,
Advocates for State/R-1
Mr. Jai Sahai Endlaw and Mr.
Abhinav Gupta, Advocates for R-5 &
R-6
SI Jitender, PS CR Park and SI Vivek,
PS Neb Sarai

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CRL.M.A. 20465/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

W.P.(CRL) 2043/2026

1. Mr. Romi Garg and Mr. Kapil Garg had filed anticipatory bail applications which were registered as Bail Application No. 1027/2026 and Bail Application No. 1028/2026 respectively. These have been disposed of by common order dated 23.05.2026 passed by the learned Sessions Court.



2. The aforesaid order has been challenged by the complainant.
3. Petitioner herein is having grievances against her two sons, namely, Mr. Romi Garg and Mr. Kapil Garg, as well as against two other persons and some unknown persons. She sent a complaint to Police Station Neb Sarai on 18.01.2026 claiming therein that accused persons had committed offences of criminal breach of trust, cheating, forgery etc. She sent one complaint dated 30.03.2026 to Police Station Saket and one more complaint on 02.04.2026 to Police Station CR Park.
4. When the aforesaid two anticipatory bail applications were taken up by the learned Sessions Court, it came to fore that no FIR had been registered. Learned Sessions Court, though, observed that since FIR had not been registered, there was no apprehension of arrest, it, while disposing of the applications, also directed the concerned IO to serve, at least two weeks prior notice to the applicant, in case their arrest was warranted.
5. Learned counsel for petitioner submits that aforesaid order regarding *advance notice* was not called for, simply for the reason that there was no apprehension of arrest, since FIR had not been registered. He supplements that investigating agency is, even otherwise, bound by the judicial precedents, particularly, in relation to *Arnesh Kumar Vs. State of Bihar: (2014) 8 SCC 273* and *Satender Kumar Antil vs. Central Bureau of Investigation: (2022) 10 SCC 51* and, therefore, the aforesaid direction was superfluous.
6. He also submits that relief with respect to *advance notice* is general and omnibus in nature and can be misused.
7. Undoubtedly, since FIR had not been registered, apparently, there was no apprehension of arrest. However, at the same time, the relevant part of the impugned order, whereby learned Sessions Court has permitted issuance



of prior notice does not seem to cause any real prejudice to the petitioner, either.

8. The sole apprehension expressed by her is to the effect that such blanket relief might be misused.

9. The present petition is, accordingly, disposed of while clarifying that the aforesaid direction given to the concerned IO, to serve at least two weeks prior notice to the applicants, would only be in context of the complaints mentioned in the impugned order.

10. Petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 8, 2026/dr/sy