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

+ **BAIL APPLN. 1039/2026 & CRL.M.A. 7864-65/2026**

DIMPY CHUGH

.....Petitioner

Through: Mr. Vimal Tyagi, Advocate

versus

STATE (NCT OF DELHI) AND ANR.

.....Respondents

Through: Mr. Manoj Pant, APP for the State
with Insp. Rajeev Ranjan and SI
Jagdeep Sandhu

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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16.03.2026

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR No. 553/2025, registered at Police Station Begumpur, Delhi, for offences punishable under Sections 80(2)/85/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
2. At the outset, Mr. Vimal Tyagi, the learned counsel appearing for the applicant submits that the anticipatory bail application of the applicant had earlier been dismissed by this Bench on 31.10.2025, and since this Court has already taken a view on the merits of the bail application and the allegations against the applicant, the present matter be placed before another Bench.
3. Upon a query put by this Court as to on what ground such transfer is being sought, the learned counsel states that since the dismissal of the anticipatory bail application of the applicant on merits by this Bench, there



is no change in the facts of the case or in the material against the applicant, except for the fact that now the applicant has undergone incarceration, and thus, this Bench ought not to hear the present application seeking regular bail as it may not be inclined to grant bail to the applicant.

4. The learned APP for the State vehemently opposes the said request and submits that there are judgments of the Hon'ble Supreme Court wherein it has been specifically held that the subsequent bail application of an accused ought to be listed before the same Bench which had rejected the earlier bail application. It is argued that if such requests are acceded to, it would lead to a situation where litigants may seek to have matters placed before different Benches in the hope of securing a favourable order. He further states that if the argument of the petitioner is accepted, no roster Bench will be able to decide the application once rejected, even if filed during the roster period of the same judge, thus, seriously affecting administration of justice and pre-supposing outcome of the case, without a hearing.

5. This Court, during the course of hearing, has drawn the attention of the learned counsel to the specific directions issued by the Hon'ble Supreme Court wherein it has been directed that, in order to avoid conflicting or inconsistent orders, matters arising out of the same FIR, especially bail applications, ought to be listed before the same Judge [Ref: ***Sajid v. State of Uttar Pradesh: SLP(Crl) No. 7203/2023; Rajpal v. State of Rajasthan: SLP (Crl.) No. 15585/2023; Shekhar Prasad Mahto @ Shekhar Kushwaha v. The Registrar General, Jharkhand High Court & Anr.: WP (Crl.) No. 55/2025; M/s Netsity Systems Pvt. Ltd. v. The State Govt. of NCT of Delhi & Anr.: 2025 INSC 1181***]. The learned counsel states that these judgments



are ‘distinguishable on facts’.

6. However, the Registry of this Court is bound to act in accordance with the directions issued by the Hon’ble Supreme Court. It is in compliance with the aforesaid position of law that matters arising out of the same FIR, particularly applications seeking bail, whether anticipatory or regular, are ordinarily listed before the same Bench/Judge who had earlier decided the previous bail application of the accused and who continues to hold the criminal roster.

7. Nevertheless, if the learned counsel is of the view that the present matter ought to be placed before another Bench – since he is of the view that he will be unable to secure regular bail from this Court, which he clearly stated in the Court, as his anticipatory bail has already been dismissed by this Court – he may take appropriate steps as available to him in law.

8. List the matter before this Court on 15.04.2026 for further consideration.

9. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 16, 2026/ns