

CNR No. DLCT11-000326-2026
CBI No. 32/2026
CBI Vs. Om Prakash
RC No. 0032026A0007
CBI-ACB-DELHI
U/s 7 of PC Act 1988 (as amended in 2018).

18.05.2026

Present : Sh. Hari Mohan, Ld. Sr. Public Prosecutor for CBI.
I.O is not present.

I.O has sent one written request seeking exemption from personal appearance stating that as he has to appear in LL.B examination in the morning today, he is unable to attend the Court. In view of the submission, IO is exempted from personal appearance for today.

Heard on the point of cognizance.

As per the record, the present FIR/RC0032026A0007 came to be registered against Om Prakash, ASI, Delhi Police, Paschim Vihar PS (East), Delhi, U/s 7 of PC Act 1988 (as amended in 2018) on 07.02.2026 on the basis of written complaint dated 06.02.2026 made by complainant Shahbaz. The complainant alleged that his brother namely Arbaz is in Tihar Jail in a theft case registered at PS Paschim Vihar and accused/ASI Om Prakash is the Investigating Officer (I.O) of the said case.

Accused/ASI Om Prakash demanded a bribe of Rs. 25,000/- for favoring complainant's brother in getting bail. The accused also threatened that if the bribe amount was not paid,

complainant's brother would be implicated in other cases too. The verification of the said complaint established *prima facie* demand of bribe of Rs.25000/- by accused ASI Om Prakash. Accordingly, a trap was laid on 07.02.2026 and accused ASI Om Prakash was caught red-handed while demanding and accepting bribe of Rs. 15,000/- from the complainant. He was arrested after due compliance of procedure of law on 08.02.2026.

After completion of the investigation and on the basis of the said material, the request for prosecution sanction came to be forwarded which has been accorded by Sanctioning Authority Vikram Singh, Deputy Commissioner of Police, Outer District, Delhi vide Sanction order dated 26.03.2026. The said Sanctioning Authority claims to be the authority competent to remove accused Om Prakash, ASI, PS Paschim Vihar (East), Delhi from his office and accordingly, has accorded the sanction after considering all the material presented by the Investigating Authority.

The Investigating Authority has also placed on record the complete service book as well as certified copies of personal bio-data of the accused herein vide D-10.

As per the personal bio-data form at Page 1A, at Column No. 17 and 18, it is claimed that the Deputy Commissioner of Police, is the Competent Authority to remove the accused from service as well as grant sanction for prosecution. At Column 16, it is claimed that the Appointing Authority of the accused is Deputy Commissioner of Police.

However, when seen with the service records, it reveals/reflects otherwise. There is endorsement in the service book of the accused regarding his promotion from rank of HC (Exe.) to ASI (Exe.) vide Promotion Order No. A/1/3I

(V-24)/2023/ 12246/ Prom.Cell/CB-IV/PHQ dated 11.03.2024
with following noting:

“PROMOTION:- The HCs(Exe.) (Male/Female) whose names stands on Promotion List for the post of ASI (Exe.) are hereby promoted to officiate as ASI (Exe.) w.e.f 1st December 2021 vide order No.A/1/3(IV-24) /2023/ 12249-346/ Prom.Cell/CB-IV/PHQ dated 11.03.2024”.

The accused cleared his probation period on 01-12-2023 as recorded vide order No.A/1/3(IV-24)/2023/ 12248/Prom.Cell/CB-IV/PHQ dated 11.03.2024. Thereafter, the second noting is as under:

“DECLARATION OF PROBATION PERIOD:- The officiate ASI (Exe.) is hereby declared to have completed his probation period successfully w.e.f 01.12.2023 in accordance with Rule 18 (iii) of Delhi Police (Promotion & Confirmation) Rules 1980. he is allotted range No. 6126-D vide PHQ Order No.A/1/3/(IV-24)/2023/12249-346/Prom.Cell/CBI-IV/PHQ dated 11.03.2024.”

It appears that the said appointment or promotion to the rank of ASI has been granted by the Worthy Commissioner of Police, Delhi which seems to be in contradiction with the details mentioned in personal bio-data at Page 1A as discussed above in D-10 as well as the contents of the Sanction Order (D-22).

The said issue of competency of the Sanctioning Authority to grant prosecution sanction against the officials of Delhi Police has come up before this Court in numerous cases wherein the said issue has been raised repeatedly, specially in cases of Promotions being given by the Commissioner of Police while sanction being accorded by DCP. It has led to the fall of

the case of the prosecution on account of incompetency of the claimed Sanctioning Authority.

In light of the above-said circumstances and the facts as discussed above, before taking cognizance, the said aspects needs to be clarified by the CBI by taking appropriate clarification from the concerned Competent Authority

Accordingly, be listed for filing of the report furnishing the aforesaid clarifications on **2nd June 2026**.

A copy of the order be given Dasti to CBI for information and compliance.

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
Rouse Avenue District Courts,
New Delhi: **18.05.2026**