

Bail matter no. 176/2026
CBI Vs. Ajay Kumar & Anr
Case FIR no. RC0032026A026
PS CBI, ACB, New Delhi
U/s 7 of PC Act, 1988 & 61(2) BNS

01.07.2026 at 02.11 p.m

Present: Sh. Neel Mani, Ld. Public Prosecutor for the State
(through CBI).

Accused Ajay Kumar produced from JC (in JC since
24.04.2026) (PID No. 1249872, Jail no. 7 Tihar).

Sh. Sanjeev Bhardwaj, Ld. Counsel for accused /
applicant Ajay Kumar.

1. Heard on the application for grant of bail.
2. This is the third bail application filed on behalf of
accused / applicant Ajay Kumar averring that he has been falsely
implicated in the present case. It is stated that the chargesheet has
been filed and accused / applicant is not required for further custodial
interrogation. It is claimed that the accused / applicant being the Head
Constable neither has any authority nor was the investigating officer
to extend any favour to the complainant in the discharge of his official
duties. Reference is made to the criminal antecedents of the
complainant and it is stated that the present case is to create terror
among the police officials to discourage them to causing any
hindrance / obstruction in her illegal activities. Further, it is also stated
that neither the complainant made any complaint nor any call against
the alleged threat given by the applicant on his visit at her residence
rendering her allegations to be false. Thereafter, it is also
mentioned that the complainant is in a habit of initiating false

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litigation as is evident from the fact that the complainant has filed a writ petition before the Delhi High Court wherein she alleged that on 23.04.2026, Head Constable Rahul had extended threats to her. However, relying upon a DD entries dated 22.04.2026 and 27.04.2026 of Duty Officer, Distt. Line/Dwarka District New Delhi, it is stated that Head Constable Rahul during the relevant period had gone on leave to Mahender Garh, Haryana and had even attended the Court proceeding there. It is further stated that no purpose will be served by further incarceration. Also, bail has been sought averring that there is no possibility of accused / applicant absconding or tampering with prosecution evidence. It is stated that the accused / applicant shall abide by the conditions imposed by this Court. A ground for default bail was also made out as sanction for prosecution was not filed alongwith the chargesheet. However, today, Ld. Counsel for the accused / applicant in view of the reply of the prosecution wherein reliance has been placed upon *Suresh Kumar Bhikamchand Jain Vs. State of Maharashtra*¹ and *Judgebir Singh @ Jasbir Singh Samra @ Jasbir & Ors Vs. National Investigation Agency*², has not pressed the ground, any further.

3. By way of a reply, the application has been opposed stating that there is credible material collected during investigation establishing active role played by the accused / applicant in the criminal conspiracy. Further, it is stated that there is no change of circumstance since bail applications dated 01.06.2026 and 11.06.2026 were dismissed as withdrawn. It is averred that clean antecedents of

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¹ (2013) 3 SCC 77

² Criminal Appeal No. 1011 & 1012 of 2023 decided on 01.05.2023 by Supreme Court of India

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the accused / applicant is not of relevance as accused / applicant's own conduct of demanding and accepting bribe stands proved by independent, scientific and electronic evidence which are subject to appreciation by this Court. It is denied that the complainant did not act swiftly as she set the law into motion vide her written complaint dated 21.04.026. Also, it is denied that the allegations in the aforementioned writ petitions are fabricated as the *rawangi* is brushed aside pertaining to a different person and being a collateral matter which is self serving and un-verified. Emphasizing upon the gravity of the offence and strength of the evidence, it is stated that further custody of the accused / applicant is fully warranted. Apprehension has been expressed that the accused / applicant may influence witnesses and tamper with evidence as he is a serving police officer in a corruption case resting substantially on the testimony of a lone woman complainant and colleagues from his department.

4. During the course of arguments, Ld. Counsel for the accused / applicant reiterated the grounds for bail mentioned in the application. He also added that the accused / applicant has a minor son and wife to look after. Also, it has been submitted that since the accused / applicant is under suspension, there should not be any apprehension that he may take advantage of any government post. Reliance has been placed upon *Manish Sisodia Vs. Directorate of Enforcement*³ to urge that *bail is a rule and refusal is an exception is, at times, followed in breach*, thereby flooding the superior courts with bail applications. Also, referring to *P. Chidambaram Vs. CBI*⁴, he has also submitted that since accused / applicant is under suspension,

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³ 2024 SCC OnLine 1920

⁴ (2020) 13 SCC 791

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there is no possibility of him influencing witnesses or tampering evidences.

5. Ld. Public Prosecutor for the State (through CBI) has also reiterated the grounds of dismissal mentioned in the reply to the application. However, he has also argued that the gravity and seriousness of the matter cannot be ignored moreso, as the conduct of the accused / applicant is detrimental to the earnest efforts which are made to fight the menace of narcotics.

6. The Court has considered the submissions and material on record.

7. Merely because chargesheet has been filed (as change of circumstance), the accused / applicant cannot claim a right to bail when the facts and circumstances of the present matter reflect as to how being assigned with the responsibility of fighting the menace of narcotics (which causes neurological, academic and economic destruction of the victims and rips out the social fabric), the said position has been allegedly misused to exploit and gain benefit from the complaint. *(If, the defence is to believed that the complainant is a history-sheeter in the offences of narcotics, to take advantage of that and extort financial benefit from her, does not serve the war against narcotics. Rather, the allegations are a classic example of abdication of the solemn responsibility given to the accused persons. The allegations demonstrate that people trusted with eliminating the scourge of narcotics probably embarked upon a path of self gratification and in the process facilitated further perpetration of criminal activities punishable under NDPS Act).* Hence, the seriousness and gravity of the offences alleged are paramount. So far

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as the allegation in the writ petition being false is concerned, the said matter is already sub-judice before the Delhi High Court and therefore, this Court would refrain from observing anything upon the same. The claim that the accused / applicant has been falsely implicated because he could not extend any favour to the complainant is pre-mature to be accepted in view of the allegations of conspiracy to plant narcotics failing to meet the demands of the accused persons. *Prima facie*, it is abuse of the power resting upon the accused persons to fight for elimination of drug abuse. While dismissing the bail application of co-accused Subhash Chand vide order dated 22.05.2026, this Court has already observed that credibility of the complainant, *per se*, cannot be discarded on allegations of her being history-sheeter. Though suspended, the accused / applicant would continue to exercise influence over his colleagues who have been cited as witnesses. During investigation, CCTV recordings also could not be recovered having been destroyed. Therefore, even though, as argued by Ld. Counsel for the accused / applicant that bail is the rule, there are above overwhelming issues bearing upon the mind of the Court to exercise the exception of continued detention. Accordingly, the bail application stands dismissed.

Opinion expressed above shall have no bearing upon the merits of the case.

Copy of the order be given dasti to Ld. Counsel for the accused / applicant and IO.

(Vijeta Singh Rawat)
Special Judge (PC Act) (CBI)-17
Rouse Avenue Courts, New Delhi
01.07.2026.^(k)