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

% *Date of Decision: 27.07.2026*

+ **W.P.(CRL) 2196/2026, CRL.M.A. 21908/2026 & CRL.M.A. 21909/2026**

MR RAJEEV KANSAL

.....Petitioner

Through: Counsel for petitioner (*appearance not given*).

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sangeet Sibou, Advocate for State with Investigating Officer/SI Prahalad.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. For convenience, prayer clause of this writ petition is extracted below:

- “a) Issue an appropriate writ, order or direction declaring that the purported further investigation undertaken by the Respondents after filing of the charge-sheet dated 17.01.2026 without obtaining prior permission of the learned Special Court under Section 193(9) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Corresponding to Section 173(8) CrPC) is illegal, arbitrary, unconstitutional and without jurisdiction;*
b) Issue a writ of Certiorari quashing the notice dated 09.06.2026 issued under Section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985;
c) Issue an appropriate writ declaring the arrest of the Petitioner dated 09.06.2026 in FIR No.320/2024 as illegal,

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- unconstitutional, without jurisdiction and void ab initio;
- d) Quash the Arrest Memo, Grounds of Arrest and all consequential proceedings arising out of the Petitioner's arrest dated 09.06.2026;
- e) Restrain the Respondents from undertaking any further investigation against the Petitioner in FIR No.320/2024 without first obtaining leave of the learned Special Court in accordance with Section 193(9) (Corresponding to Section 173(8) CrPC) BNSS.
- f) Award appropriate compensation to the Petitioner for the illegal deprivation of his personal liberty.
- g) Award costs of the present proceedings in favour of the Petitioner.
- h) Pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Learned counsel on behalf of ASC assisted by Investigating Officer/SI Prahalad accepts notice and submits that the petition can be disposed of today itself on the lines of order dated 20.07.2026 passed by this court in W.P.(CRL) 2079/2026, which was filed by son of the petitioner.

3. Learned counsel for petitioner submits that for present purposes, he presses only clause (a) of the prayer clause since now the petitioner stands arrested and has already filed a bail application before the trial court.

4. As regards prayer clause (a), it is contended that since further investigation was started by the Investigating Officer without obtaining permission from the trial court, such investigation is bad in law in view of proviso to Section 193(9) BNSS, which is investigation centric and not accused centric. On this aspect, learned counsel appearing on behalf of ASC also concedes and admits that before initiating further investigation in a

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matter pending trial, the investigation agency has to file a formal application, which has to be decided after application of judicial mind, and the same was not done in the present case.

5. In view of the aforesaid, with consent of both sides, this petition is disposed of taking on record the statement of the Investigating Officer that they shall not carry out any further investigation of case FIR No.320/2024 of PS Special Cell (SB), New Delhi without following due process of law. Accompanying applications also stand disposed of.

6. However, nothing observed herein shall prevent the investigation agency from seeking permission of the trial court to carry out further investigation in the said FIR in accordance with law.

7. In view of the aforesaid, the learned trial court is requested to prepone the hearing of the bail application of the present petitioner, which is stated to be already listed on 24.08.2026 and to decide the same in accordance with law. If possible, the said bail application be taken up within one week from today.

8. For compliance, copy of this order be sent to the learned trial court.

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(JUDGE)**

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