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

% *Date of Decision: 9th April, 2026*

+ CRL.M.C. 2674/2026 & CRL.M.A. 10842/2026 & CRL.M.A. 10843/2026

BALBIR CHAND TIWARIPetitioner

Through: Mr. Hariharan, Sr. Adv with Dr. Sushil Kumar, Mr. Manan Verma, Mr. Sumit Kumar, Ms. Mansi Diwakar, Ms. Anshika Kumari, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION & ORS.

.....Respondent

Through: Mr. Anupam S Sharrma, SPP with Mr. Vashishth P Dash, Mr. Abhiyant Singh, Mr. Mayank Tyagi, Advocates.

Mr. Ajay Barman, Senior Advocate with Mr. Varun Seth, Mr. Karan Buraman, Advocates for R-2.

Mr. Sunil Dalal, Sr. Advocate with Ms Ankit Rana, Ms. Shipra Bali, Mr. Sarthak Malhotra, Advocates for R-3.

96

+ CRL.M.C. 2694/2026 & CRL.M.A. 10922/2026 & CRL.M.A. 10923/2026

SUKHMOHINDER SINGH SANDHUPetitioner

Through: Mr. Sunil Dalal, Sr. Advocate with Ms Ankit Rana, Ms. Shipra Bali, Mr. Sarthak Malhotra, Advocates for R-3.

versus

CENTRAL BUREAU OF INVESTIGATION & ORS.

.....Respondent

Through: Mr. Anupam S Sharrma, SPP with Mr. Vashishth P Dash, Mr. Abhiyant Singh, Mr. Mayank Tyagi,



Advocates.

Mr. Ajay Barman, Senior Advocate
with Mr. Varun Seth, Mr. Karan
Buraman, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

1. Petitioners are facing trial in Sessions Case No. 02/2019 titled “*Central Bureau of Investigation Vs. Sumedh Singh Saini & others*” which arise out of RC No. 2(S)/1994-SIU.V/SIC.
2. The abovesaid case is at the stage of final arguments.
3. When the predecessor Presiding Officer took up the case on 23.09.2025, it directed the parties to first address arguments on the point of sanction under Section 197 Cr.P.C.
4. On account of transfer, when the current Presiding Officer took up the matter on 19.12.2025, it also, initially, fixed up the matter for arguments on the point of sanction but later, on 07.01.2026, it opined that the final arguments be addressed comprehensively i.e. on the point of sanction as well as on the merits of the case.
5. This led to some disquiet and fear in the minds of the petitioners.
6. They, somehow, perceived that since there is unexplained overturning of the previous order, they would not get justice and sensing some bias, they prayed for transfer of the pending case to some other Court. Their grievance was that since, earlier, the arguments were to be heard in a ‘structured and phased manner’, the above sudden switch has caused uncertainty and apprehension in their minds.
7. They, therefore, prayed for transfer of their case to any other Court



and *vide* composite order dated 17.03.2026 passed by learned Principal District and Sessions Judge-cum-Special Judge (PC Act) CBI, Rouse Avenue District Courts, New Delhi, their such request has been turned down.

8. Such order is under challenge.

9. Mr. Hariharan and Mr. N.S. Dalal, learned Senior counsel for petitioners submit that the petitioners have highest regard for the judiciary and for the learned Presiding Officer as well and it may not be understood as if they are casting any aspersion. It is contended that the above deviation in the manner of addressing arguments has made them apprehensive.

10. Quite clearly, the apprehension is unfounded, specious and misplaced.

11. Mere fact that, the court, now, wants to hear final arguments in a comprehensive manner would not, by itself, mean anything significant or suggestive of any bias or predetermination of the outcome.

12. Such inconsequential aspects about the manner in which the learned Trial Court desires to hear final arguments, are better left to its wisdom and discretion. Moreover, the answer to the issue of sanction would remain the same - whether it is answered in piecemeal or in a combined manner.

13. The case is very old and was transferred from the State of Haryana to Delhi and the learned Presiding Judge is already in the middle of hearing final arguments and no justifiable reason exists to transfer the cases to some other Court.

14. Learned Senior counsel, relying upon *Kanaklata vs. State (NCT of Delhi) and Others: 2015 6 SCC 617*, contend that there can be certain situations where the observations made by the Court might create a reasonable apprehension in the mind of litigant. The situation in the



abovesaid case was, however, totally different. Therein, the accused had been charge-sheeted for offences under Section 323/354 and also under the relevant provisions of *Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989* (SC&ST Act). The Concerned Sessions Court, after hearing arguments on charge, discharged the accused for offences under SC&ST Act and remanded the matter to the concerned magisterial Court for consideration for other offences. It also, however, made certain observations about the alleged misuse of the provisions of SC&ST Act by unscrupulous elements and had also made certain suggestions for remedying the same. The abovesaid ‘discharge order’ was challenged in High Court and while allowing the revision petition, High Court directed the learned Trial Court to pass fresh order, without being uninfluenced by the observations made in its earlier order. It was in the abovesaid backdrop that when the transfer request, eventually, reached Hon’ble Supreme Court, it felt that despite the safeguards provided by the High Court, the apprehension of the complainant continued to subsist, particularly when the earlier order passed by the learned Trial Court was so strongly worded that it could, in all likelihood, give rise to a reasonable apprehension in the mind of the complainant which could not be lightly brushed aside, and, therefore, permitted transfer. The situation herein is not comparable with the abovesaid matter.

15. Needless to emphasize, order of transfer of case is bound to have ‘depressing, demoralizing and disconsolate impact’ on the concerned judge and, therefore, an order of transfer cannot be passed as a matter of routine. Such power must be exercised sparingly, cautiously and in exceptional situations. The petitioners herein seem hypersensitive, who seem to have misread the ‘order and mind of the court’ and jumped to imaginary and



unwarranted conclusion.

16. Resultantly, finding no illegality in the impugned order dated 17.03.2026, this Court does not find any reason to transfer the abovesaid case to another Court.

17. Both the petitions stand dismissed.

(MANOJ JAIN)
JUDGE

APRIL 9, 2026/sw/pb