

News

The 'no coercive steps' court order does not imply that the probe will continue: Delhi High Court



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According to the Delhi High Court, a court order stating "***no coercive measures***" or "no coercive steps" in relation to an accused individual does, in fact, imply a halt or suspension of the current investigation in the matter in question [Satya Prakash Bagla v State & Ors].

According to Justice Anup Jairam Bhambhani, the context and character of the procedure in which these terms are used determine their meaning, relevance, and

impact.

The Court noted that it is "certain that the mere expression of 'no coercive measures' or 'no coercive steps' in relation to an individual cannot be interpreted as necessarily implying a stay or suspension of any ongoing investigation against that individual."

It explained that the nature of the relief or protection sought and what the court intended to provide to a party at the relevant stage of the proceedings must be examined in order to determine the court's intention in using these expressions in a particular order.

Therefore, it would not be proper or wise for a court to give these statements any kind of rigid, predefined interpretation. For example, this phrase is frequently used when a court gives temporary respite to an individual requesting anticipatory bail; in this instance, it is used solely in reference to the individual's personal liberty.

In addressing a reference from a successor bench asking for clarification on the term "coercive measures" in his (Justice Bhambhani's) ruling of January 10 in a case brought by businessman Satya Prakash Bagla, Justice Bhambhani offered the following observations.

The Delhi Police's Economic Offenses Wing (EOW) is looking into Bagla.

Justice Bhambhani recorded the State's argument in the January 10 ruling that the investigating officer (IO) "would move an appropriate application before this court prior to taking any such action if and when he required to adopt any coercive measures against the petitioner."

Bagla's attorneys contended that the freezing of his bank accounts was a kind of coercion that went against the court's order. In Satish Kumar Ravi v. State of Jharkhand, they referenced Supreme Court rulings that deemed filing a chargesheet in defiance of a "no coercive action" order to be contempt.

In response, the State and the complainants argued that Justice Bhambhani's ruling did not exclude further investigation and was merely intended to stop Bagla's detention. They cited the Supreme Court's 2021 decision in Neeharika Infrastructure v. State of Maharashtra, which warned judges against using ambiguous temporary orders like "no coercive steps" to prevent investigations.

Justice Bhambhani clarified after reviewing the case that the phrase "coercive measures," as used in his previous order, only applied to actions pertaining to his arrest or interrogation while in custody and did not prevent the police from carrying out their investigation, including freezing bank accounts.

Satya Prakash Bagla was represented by senior advocates Sudhir Nandrajog and Anil Soni, as well as advocates Sanjay Abbott, Arshdeep Khurana, Dikksha Ramnani, Apoorv Agarwal, Pritish Sabharwal, Manav Goyal, and Ritika Gusain.

The State was represented by Additional Standing Counsel (Criminal) Amol Sinha, along with attorneys Kshitiz Garg, Ashvini Kumar, Chavi Lazarus, and Nitish Dhawan.

For other responders, senior attorneys Rajiv Nayar and Anurag Ahluwalia appeared alongside attorneys Devika Mohan, Sunanda Choudhury, and Annirudh Sharma.