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

+ **CRL.M.C. 3884/2023**

SANGRAM SINGH ALIAS SHAKTI

..... Petitioner

Through: **Mr. Safiq Khan, Mr. Badal and Ms.
Sundri Rawat, Advs.**

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: **Mr. Raghuvinder Verma, APP for the
state with SI Kailasah Chand, PS
Sagarpur.**

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Date of Decision: 25th May, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 14582/2023(exemption)

Exemption is allowed subject to all just exceptions.

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1. Present petition has been filed under Article 227 of the Constitution of India read with Section 482 Cr.P.C. challenging the impugned order dated 25.02.2023 passed by the learned ASJ-05, PHC, New Delhi. Vide the impugned order, the learned ASJ cancelled the bail granted to the petitioner

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vide order dated 22.02.2022 in case FIR 247/2021 registered at PS Sagarpur under Sections 336/387/506/34 IPC and 25/27/54/59, Arms Act, on the ground that the accused was involved in another case bearing FIR No. 129/2022 registered at PS Crime Branch, New Delhi under Sections 25/54/59, Arms Act.

2. Learned ASJ vide order dated 22.02.2022 granted bail to the petitioner accused in case FIR 247/2021, subject to the condition that the accused shall not commit any other offence or offence of similar nature. Learned ASJ in the impugned order was of the view that the said condition has been violated by the accused as subsequently another FIR No. 129/2022 was registered against the accused under sections 25/54/59, Arms Act and thus was of the view that the bail is liable to be cancelled.

3. Learned counsel for the petitioner submits that FIR No. 129/2022 registered at PS Crime Branch, New Delhi under Sections 25/54/59 Arms Act, was falsely lodged against him and the learned ASJ without going into the facts of the case mechanically cancelled the bail.

4. Learned APP for the State has opposed the present petition and submits that the Learned Sessions Judge correctly cancelled the bail of the accused as the petitioner is a habitual offender. Learned APP submits that there are five other cases pending against the petitioner. It has been submitted that the regular bail application of the petitioner has also been dismissed vide order dated 08.05.2023.

5. I have considered the submissions.

6. The jurisdiction regarding cancellation of bail is a very limited jurisdiction. It is settled law that the bail once granted can only be cancelled if there are very cogent and overwhelming supervening circumstances or if the accused has misused his liberty of bail. The Courts can cancel the bail only if either there exists supervening circumstances or if there is an inherent defect in the order granting bail. In the present case, while granting bail, a condition was imposed vide order dated 22.02.2022 that the petitioner shall not commit any offence or offence of similar nature. However, subsequently, another FIR No. 129/2022 registered at PS Crime Branch, New Delhi under Section 25/54/59 Arms Act was registered.

7. I consider that simply because an FIR has been lodged, the bail granted to the accused on merits could not have been cancelled. Needless to say that the same would depend upon the facts and circumstances of each case. However the impugned order cancelling the bail is silent on the facts or the gravity of the offence alleged to have been committed by the accused. This Court thus is of the view that the impugned order dated 25.02.2023 cancelling the bail cannot sustain in the eyes of law and the same is liable to be set aside. Accordingly, the impugned order dated 25.02.2023 is set aside.

The petitioner is admitted to Court bail on furnishing a personal bond of Rs 20,000/- with one surety of the like amount to the satisfaction of the Trial Court, subject to the following conditions:

1. The petitioner shall cooperate and appear before the concerned IO as and when directed;
2. The petitioner shall not leave the city without prior permission of the court concerned;

3. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 4. The petitioner shall provide his/her mobile number (s) to the Investigating Officer and keep it operational at all times;
 5. In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
8. With the above directions, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

MAY 25, 2023

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