



2024:DHC:2567



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 27.03.2024***+ **CRL.M.C. 1142/2022**

A

..... Petitioner

Through: Mr.Suraj Kumar Jha and
Mr.Raghav Vij, Advs.

versus

STATE GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Shoaib Haider, APP
Mr.Akshay Sharam, Adv. for
R-2 (through VC)**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for cancellation of anticipatory bail that was granted to the respondent no.2 vide Order dated 03.02.2021 passed by the learned Additional Sessions Judge-02, South-East District, Saket Courts, New Delhi in BA No.289/2021, titled as ***State v. Sunil Sharma***.

2. The petitioner had also filed an application seeking cancellation of the anticipatory bail granted to the respondent no.2 before the learned Additional Sessions Judge-02, which came to be dismissed by the said Court vide its Order dated 23.11.2021, observing as under:



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“8. Admittedly, anticipatory bail was granted to accused on 03.02.2021. Subsequent thereto, FIR Dated 24.03.2021 bearing No. 132 was registered against Sunil Jain, Paras Jain, Pankaj Jain and Naman Jain. No FIR was registered against accused herein. The allegations of complainant are not verified and supported by any public witness. The IO concerned has also not confirmed the veracity in the allegations of complainant. The allegations as such, are vague in nature. Specific details of threats and specific circumstances in which said threats were advanced by accused allegedly, were not mentioned in the application for cancellation of bail. The complaints made by complainant, her mother and her elder brother with regard to illegal acts of accused, his associates and family members are vague. Those complaints are self serving documents. As such, based on the said complaints and the contents of application for cancellation of bail, it cannot be concluded that accused interfered with administration of justice or had evaded the due course of justice. It cannot be concluded, based on aforesaid averments of complainant that accused misused the concession granted to him vide order dated 03.02.2021. Therefore, application for cancellation of bail, stands dismissed.”

3. The learned counsel for the petitioner submits that the respondent no.2, by himself and through others, is constantly threatening the petitioner to withdraw her complaint against him and not to support the case of the prosecution in the trial. He submits that repeated complaints in this regard have been made to the police.

4. On the other hand, the learned APP and the learned counsel for the respondent no.2 have drawn my attention to the Status Report dated 03.08.2022 filed by the SHO, Police Station: Kalkaji, New



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Delhi.

5. A perusal of the Status Report shows that the complaints made by the petitioner have been duly investigated and no substance has been found in the same.

6. In *Deepak Yadav v. State of U.P.*, (2022) 8 SCC 559, the Supreme Court has emphasised that bail once granted, should not be cancelled in a mechanical manner. Cancellation of bail must be on very cogent and overwhelming circumstances. In the present case, I do not see any such ground being made out against the respondent no. 2.

7. I accordingly, find no merit in the present petition. The same is dismissed.

8. It is, however, clarified that in case any threat is received by the petitioner, the petitioner shall be free to report the same to the police and the same shall be duly investigated, remaining uninfluenced by any observation made herein.

NAVIN CHAWLA, J

MARCH 27, 2024/ns/ss

Click here to check corrigendum, if any