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

+ **CRL.M.C. 6949/2024**

GURJEET SINGH

.....Petitioner

Through: Ms. Nikita Sharma, Advocate
(DHCLSC)

versus

THE STATE OF DELHI THROUGH S.H.O & ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State.
SI Dharmendra Sharma, PS Rajinder
Nagar.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **03.09.2024**

CRL.M.A. 26542/2024 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 6949/2024

1. The Petitioner has approached this Court challenging an Order dated 06.06.2024 passed by the learned Additional Sessions Judge, Tis Hazari Courts, Delhi, granting bail to Respondent No.2 in FIR No.411/2023 dated 05.11.2023 registered at Police Station Rajinder Nagar for offence under Section 307 IPC.

2. Material on record discloses that the Petitioner married the daughter of Respondent No.2 and the marriage was solemnized in the year 2011. It is stated that there were matrimonial disputes between the parties. It is stated



that after the wife of the Petitioner left with her two children, two FIRs have been registered by him, one being FIR No.494/2019 registered at Police Station Tilak Nagar for offence under Section 324 IPC against the brother-in-law, who was arrested by the Police on 30.10.2023.

3. It is stated that on 04.11.2023, Respondent No.2, father-in-law of the Petitioner herein attacked him with a paper cutter on his neck because of which the Petitioner suffered injuries and he had to be taken to RML hospital.

4. Material on record indicates that chargesheet has been filed against Respondent No.2 for an offence under Section 307 IPC.

5. Respondent No.2 was taken in custody on 05.11.2023. Vide Order dated 06.06.2024, the Trial Court has granted bail to Respondent No.2 keeping in view the time spent by Respondent No.2 in custody, the fact that chargesheet has been filed and the fact that on the day when the case was fixed for evidence, the Complainant absented himself despite being served with summons. The Trial Court was also of the view that the Petitioner herein had given two complaints which were closed after enquiry. The Trial Court therefore has granted bail to Respondent No.2 on the following conditions:-

- “I. He shall join the trial regularly;*
- II. He shall not tamper with the evidence and in case charge-sheet is filed against him, he shall regularly appear in the court during the trial;*
- III. He shall not contact the complainant, other witnesses and shall not pressurize them, induce them or extend any kind of threat to them; and*
- IV. In case of change of his address, he shall intimate the same to the SHO concerned and the court.”*



6. The said order has been challenged by the Petitioner herein stating that the Petitioner is facing threats and that the offence against Respondent No.2 is serious in nature. The Petitioner had challenged the order granting bail to Respondent No.2 and the present case is not an application for cancellation of the bail already granted. If Respondent No.2 has violated the conditions of bail, then it is open for the Petitioner to approach the concerned court which has granted bail and substantiate that the bail granted to Respondent No.2 has been abused and therefore bail should be cancelled.

7. The Apex Court in Dolat Ram & Ors. v. State of Haryana, **1995 (1) SCC 349**, has held that bail once granted should not be ordinarily interfered with unless there are special circumstances. Paragraph 4 of the said judgment reads as under:-

“4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail



during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.”
(emphasis supplied)

8. The complaints given by the Petitioner has been found to be false on two occasions. This Court is of the view that the order granting bail to Respondent No.2 gives cogent reasons and this Court is of the opinion that the bail has not been granted on irrelevant considerations and without taking into account relevant considerations which alone is a ground for setting aside a bail already granted.
9. In view of the above, this Court is not inclined to interfere with the order granting bail to Respondent No.2.
10. The petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 3, 2024

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