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

+ **CRL.M.C. 2687/2025**

SUNITA

.....Petitioner

Through: Ms. Sukhdeep Kaur Rai and Mr.
Ankur Singh, Advocates.
Petitioner in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the
State.
SI Ram Singh and SI Lal Chand, PS:
S. B. Dairy.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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26.08.2025

1. The present application under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439(2) of the Code of Criminal Procedure, 1973²) seeks cancellation of regular bail granted to Respondent No. 2 by this Court by order dated 14th November, 2024 in FIR no. 922/2012 registered under Section 365 of the Indian Penal Code, 1860³ at PS: Shahbad Dairy, Delhi. A chargesheet has also been filed under Sections 365/302/201/120B/34 IPC and Sections 25/54/59 of the Arms Act,

¹ "BNSS"

² "CrPC"

³ "IPC"



1959.⁴

2. Briefly, the facts of the case are as follows:

2.1. On the complaint of the Applicant, Sunita, regarding the disappearance of her husband Jai Kumar on 27th November, 2022, an FIR was registered on 2nd December, 2022. During interrogation of the accused Deepak @ Bhola, a half-burnt dead body, later identified as Jai Kumar, was recovered from Baghpat, U.P.

2.2. Investigation revealed that Deepak, along with his associates Raj Kumar @ Nanhe and Aman, had murdered Jai Kumar to avenge an earlier incident, stuffed the body in a plastic bag, transported it in a car and attempted to burn it.

2.3. Accused Deepak was arrested on 04th December, 2022, Raj Kumar @ Nanhe on 07th December, 2022 and Aman on 12th December, 2022. After completion of investigation, chargesheet has been filed and the matter is pending before the Trial Court.

2.4. Respondent No. 2 was granted bail by this Court *vide* order dated 14th November, 2024

3. The Applicant's contention is twofold. Firstly, it is alleged that Respondent No. 2 has violated the conditions of bail on two occasions by abusing and threatening the Applicant and her daughter. On 01st December, 2024, Respondent No. 2, along with associates, threatened her and her daughter at gunpoint, snatched her belongings and warned them against pursuing the case. Again, on 28th March, 2025, inside court premises, Respondent No. 2 allegedly abused and threatened them with similar consequences. Secondly, it is submitted that while granting bail to

⁴ "the Arms Act"



Respondent No. 2, his complete criminal antecedents were not brought to the notice of the Court. In addition to the case under the Delhi Excise Act, 2009 (noted in para 9 of the impugned order), Respondent No. 2 is implicated in FIR No. 537/2017, P.S. Prashant Vihar, under the Public Gambling Act, 1867,⁵ and FIR No. 244/2013, P.S. Sadar, Rohtak, under Sections 302/379/34 IPC and Section 25 Arms Act.

4. Mr. Hemant Mehla, APP for the State, submits that insofar as the Applicant's allegation regarding the conduct of Respondent No. 2 in the Court is concerned, the same was duly examined by the State. The inquiry of the complaint revealed that only a verbal altercation had occurred and no major assault was reported and it was thus concluded that no cognizable offence was made out. A status report to this effect has also been filed, which reads as follows:

"6. That the present petitioner Smt. Sunita made a complaint before SHO Prashant Vihar, Rohini, Delhi against accused Rajkumar @ Nanhe on 28.03.2025 which is reproduced as "t is requested that I am Sunita W/o Jaikumar and resident of H. No.- 943, Shahbad Dairy, Delhi, today that on 28/2/25, there was a date for the case of my husband Late Shri Jaikumarji. In this connection, I and my daughter came to court number 207 on the date of the court, then at around 2 o'clock a person named Rajkumar started saying to me "You are too much. You have come to fight the case of your husband, and how can I make you fight. By doing all this, you will lose your children. And then using abusive language, he started threatening to kill me. Threatening my daughter, where to take your mother or else I will kill you and your mother like I killed your father. Go away and do not come to the court after today, this person is involved in the murder case of my husband, case number 922/2022 which is going on in the court, please take legal action".

7. That regarding the said incident the daughter of present petitioner made a submission before Hon'ble trial court, Tis Hazari Court, Delhi which is mentioned vide order dated 28.03.2025 passed by hon'ble trial court.

8. That during course of inquiry, it is revealed that the said complaint

⁵ "the Gambling Act"



distinction between the rejection of bail in a non-bailable case at the initial stage and the cancellation of bail after it has been granted. In adverting to this distinction, it would be apposite to refer to judgment of the Supreme Court in ***Dolat Ram v. State of Haryana***⁷:

“4. Rejection of a 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 the bail, already granted, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion of 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.”

8. These principles have been reiterated in ***CBI v. Subramani Gopalakrishnan***⁸:

“23. It is also relevant to note that there is difference between yardsticks for cancellation of bail and appeal against the order granting bail. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted. Generally speaking, the grounds for cancellation of bail 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 concessions granted to the accused in any manner. These are all only few illustrative materials. The satisfaction of the Court on the basis of the materials placed on record of the possibility of the accused absconding is another reason justifying the cancellation of bail. In other words, 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

⁶ (2022) 8 SCC 559.

⁷ (1995) 1 SCC 349

⁸ (2011) 9 SCC 296



fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.”

9. In light of the foregoing legal principles, the Court now proceeds to address the contentions of the Applicant. The reliance placed on antecedents not considered at the time of grant of bail, is misplaced as such grounds pertain to the merits of the bail grant and not to cancellation. In any event, it is not in dispute that Respondent No. 2 has been acquitted in FIR No. 244/2013 registered at P.S. Sadar, Rohtak. The other case pertains to offences under the Gambling Act, in which he has pleaded guilty, paid the fine and thereby served the sentence. These antecedents, therefore, have no bearing on the present proceedings.

10. At this juncture, it must also be noted that the alleged incidents of threat precede the bail order dated 28th May, 2025 passed in favour of the co-accused Aman, wherein this Court has directed the State to provide adequate security, including deployment of armed personnel outside the residence of the deceased's family, in accordance with the Witness Protection Programme, 2018 and the Delhi Witness Protection Scheme, 2025. The said directions have been duly complied with and the daughter of the deceased, present in Court, confirms that no incident of threat has occurred thereafter.

11. The allegations of threat have already been inquired into by the State and do not disclose any cognizable offence. Further, the alleged incidents preceded the bail order of the co-accused dated 28th May, 2025, wherein specific directions for protection under the Witness Protection Programme and the Delhi Witness Protection Scheme were issued and duly complied



with by the State. It is also confirmed by the Applicant that no threats have occurred thereafter. There is, therefore, no material to suggest that Respondent No. 2 has violated the conditions of bail, attempted to influence witnesses, or otherwise abused the concession granted. In light of the settled legal principles, this Court is of the view that the Applicant has failed to make out a case for cancellation of bail. Accordingly, the present application under Section 483(3) BNSS is dismissed.

12. Accordingly, the present petition is disposed of.

SANJEEV NARULA, J

AUGUST 26, 2025/d.negi