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

+ **CRL.M.C. 2173/2020**

STATE GOVT. OF NCT DELHIPetitioner

Through: Mr. Sunil Kumar Gautam,
APP for the State with
Insp. Ajay Katewa, PS
Begumpur.

versus

MANJEET THAKRANRespondent

Through: Mr. Sumeet Shokeen, Mr.
Deepesh, Mr. Prateek
Rohilla and Mr. Aaditya,
Advts.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **08.09.2025**

1. The present petition was filed way back in the year 2020 seeking setting aside of the order dated 24.12.2019 (hereafter '**impugned order**'), passed by the learned Additional Sessions Judge ('**ASJ**'), North West District, Rohini Courts admitting respondent on bail.

2. By the impugned order, the respondent was admitted on bail in two FIRs, being, FIR No. 277/2016 and FIR No. 243/2017, both registered Police Station Begumpur for the offence under Section 302 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959. Apart from other factors, the learned ASJ noted that considerable period of time has been spent by the respondent in custody.

3. At the time of grant of bail, the respondent had been in custody for a period of 2 years and 2 months in FIR No.



243/2017 and for a period of 3 years and 8 months in FIR No. 277/2016.

4. It is pointed out that a separate petition, that is, CRL.M.C. 2174/2020, had been filed by the State challenging the impugned order in relation to grant of bail to the respondent in FIR No. 277/2016. It is submitted that the said petition was disposed of on 17.05.2023 on account of the respondent being acquitted in that case.

5. The challenge to the impugned order is essentially pressed on the ground that pursuant to his release, the respondent was also involved in two more cases, being, FIR No. 38/2022 and FIR No. 230/2022, both registered by Special Cell for the offence under Section 25 of the Arms Act, 1959.

6. The learned counsel for the respondent submits that the said assertion is incorrect since the respondent has already been discharged in FIR No. 38/2022. He further submits that the respondent has already been enlarged on bail in FIR No. 230/2022 and he had been implicated in the said case on the basis of disclosure statement of the co-accused persons therein.

7. Insofar as FIR No. 230/2022 is concerned, the bail order passed by the learned Trial Court in that case indicates that the FIR was registered pursuant to recovery of a weapon from the house of the respondent. The learned Trial Court had directed the respondent's release on bail after noting that the recovery was made when the respondent was in custody in another case.

8. It is undisputed that the trial has since proceeded in FIR No. 243/2017 and 21 witnesses out of 37 listed prosecution witnesses have already been examined. It is not the case of the prosecution that the respondent, in any manner, has threatened

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any of the witnesses or has misused the liberty.

9. It is trite law that an order granting bail ought not to be disturbed by a superior court unless there are strong reasons to do so. In ***Deepak Yadav v. State of U.P. : (2022) 8 SCC 559***, the Hon'ble Apex 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, the prosecution has been unable to canvas any such circumstance so as to warrant cancellation of the respondent's bail.

10. It is to be borne in mind that at the pre-conviction stage, there is a presumption of innocence. Detention is not supposed to be punitive or preventive. It is also pertinent to note that the present petition was filed 10 months after the respondent was granted bail by the learned Trial Court.

11. At this stage, I find no reason to interfere with the impugned order.

12. The present petition is, therefore, dismissed.

13. It is made clear that the observations made by the learned ASJ or in the present order are only made for the purpose of deciding the application for bail and be not be taken as opinion on the merits of the case and shall not affect the trial in any manner.

AMIT MAHAJAN, J

SEPTEMBER 8, 2025 / 'KDK'