



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

% *Reserved on: 12th November, 2025*
Pronounced on: 22nd December, 2025

+ **CRL.REV.P. 439/2025**

ROHIT @ AMAN

S/o Sh. Rajinder

R/o A-8, Babu Park, Kotla Mubarak Pur

Delhi

.....Petitioner

Through: Mr. Rajpal Kasana, Ms. Moni
 Rexwal, Mr. Digamber Phagna and
 Mr. Abhishek Baisoya, Advocates.

versus

STATE OF NCT OF DELHI

Through SHO

P.S: Kotla Mubarak Pur

.....Respondent

Through: Mr. Utkarsh, APP for the State with
 SI Nitesh Yadav.

+ **CRL.REV.P. 442/2025**

AMIT @ KALU

S/o Sh. Rajinder

R/o A-8, Babu Park, Kotla Mubarak Pur

Delhi

.....Petitioner

Through: Mr. Rajpal Kasana, Ms. Moni
 Rexwal, Mr. Digamber Phagna and
 Mr. Abhishek Baisoya, Advocates.

versus

STATE OF NCT OF DELHI

Through SHO

P.S: Kotla Mubarak Pur

.....Respondent

Through: Mr. Utkarsh, APP for the State with
 SI Nitesh Yadav.

CORAM:

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T****NEENA BANSAL KRISHNA, J.**

1. The above two Revision Petitions under Section 442 BNSS have been filed on behalf of the Petitioners *Rohit @ Aman* and *Amit @ Kalu* challenging the Order dated 31.10.2025 by which learned Trial Court had cancelled the Bail granted vide Order dated 13.10.2025, in FIR No.275/2025 under Sections 109/125/110/115(2)/126(2)/351(2)/3(5) BNS and Sections 25/27 Arms Act, registered at Police Station: Kotla Mubarakpur.
2. The case of the Prosecution in brief, is that present FIR No.275/2025 was registered on Complaint of Sh. Chander Prakash, who stated that he had lost about Rs.1.5 lacs to Petitioner Rohit in a gambling game in Pilanji, Kotla Mubarakpur, about 06 months back. He was unable to repay the money. Consequently, there was a dispute between him and Rohit. During this time, he had given some money to Rohit, to resolve the dispute.
3. On 02.10.2025, Complainant along with his friends Chetan Sharma, Rajiv, Achutesh, Mukul Bhati and Shubham, had consumed liquor. Thereafter, he along with his friends got into four cars and reached the house of Rohit in Kotla Mubarakpur, but he was not there. After some time, while they were standing on the road near Bapu Park, in their vehicles, Rohit and few of his friends came armed with dandas and bat and they surrounded the Complainant and his friends and gave them beatings. Complainant suffered serious injuries on his head and also contusion on his other parts of the body. Because he was under the influence of alcohol, he was unable to run to a greater distance, but was able to identify Petitioners *Rohit, Kalu (his brother) and Rahul*.



4. The Police arrived at the spot and found the damaged vehicles and one bullet, which were seized. FSL and Crime Team was called on the spot.
5. On going to AIIMS, Trauma Centre, injured Complainant was found admitted in the Hospital, by the Police. His statement was accordingly recorded, the investigations were carried. On his Complaint, present FIR No.275/2025 under Sections 109/125/110/115(2)/126(2)/351(2)/3(5) BNS and Sections 25/27 Arms Act was registered on 02.10.2025 at Police Station: Kotla Mubarakpur.
6. Both Applicants were granted Anticipatory Bail on 13.10.2025 by learned Sessions Judge.
7. Thereafter, the Application was filed by the State through IO seeking *cancellation of Bail granted to these Applicants vide Order dated 13.10.2025*, on the ground that further investigations have revealed new facts. It was found that Rohit and Amit, the Applicants were running an illegal gambling house in Pijanji, Kotla Mubarakpur and were the kingpin of organized crime in the area. During the fight between Applicants and Complainant side, Manoj had joined the fight from Applicants' side, and sustained gunshot injuries from the bullet fired by Applicant Amit @ Kalu. Ct. Abul Hussain, who was passing from there, saw accused Kalu carrying Pistol/Katta in his hand and he can also be seen in the video recording.
8. After both the Applicants Rohit and Amit got Anticipatory Bail on 13.10.2025, Manoj, who had sustained gunshot injuries, came out of his hiding and contacted the Police on 14.10.2025. He was under the influence and fear of the Applicants and therefore, was not forthcoming before then.
9. It was claimed in the Application that at the time of granting Anticipatory Bail on 13.10.2025, these facts were not brought before the



Court that not one but two bullets were fired by Applicant Amit @ Kalu, out of which, one had hit Manoj @ Lefty, whose MLC has now been obtained. Earlier the case was registered under Section 110 of BNS, but as the new facts got unearthed, Section 109 BNS, was added in the FIR.

10. It is submitted that custodial interrogation of the Applicants is required for recovery of fire-arm from which bullets were fired and to unearth the full conspiracy. There is imminent apprehension that if the Applicants are allowed to remain on Anticipatory Bail, they may influence, threaten or intimidate the Complainant. Hence, the revocation of Anticipatory Bail granted vide Order dated 13.10.2025, is sought.

11. In **Reply to the Application for cancellation of Anticipatory Bail**, the Applicants asserted that Complainant Chander Prakash lost Rs.1,50,000/- to the accused Rohit, in illegal gambling activities in Pijanji Village, PS: Kotla Mubarakpur. The dispute accordingly, had arisen between the Complainant and Rohit. In order to resolve the dispute, Complainant along with 10-15 persons had gone to the house of Rohit on 02.03.2025 at about 02:45 AM and attacked him. Neighbours of Rohit and injured Manoj came to the spot and hit the car with a broom lying on the road and did not cause any injury to the Complainant. It was claimed that it is the Complainant, who along with his 10-12 had come with an intent to kill the Applicants and was the aggressor. The Applicants were the aggrieved persons and had nothing to do with the Complainant.

12. There was no concealment from the Police. The fact is that co-accused Manoj sustained gunshot injury fired by the Complainant Chander Prakash and his associates, of which the Complaint has already been given by Manoj on 15.10.2025, though no action has been taken by the Police. Hence, the



Applicants claim that the Application for cancellation of Anticipatory Bail is without merit and liable to be dismissed.

13. Learned ASJ in its impugned Order dated 13.10.2025, observed that there was material concealment of the facts about Applicant Amit firing two bullets, out of which one hit Manoj, who was medically treated in AIIMS.

14. Reference has been made to Dolat Ram and Others vs. State of Haryana, (1951) 1 SCC 349; Abdul Basit v. Abdul Kadir Choudhary, (2014) 10 SCC 754; and Prakash Kadam v. Ram.prasad Vishwanath Gupta and Another, (2011) 6 SCC 189, wherein the Hon'ble Supreme Court elaborated that the Bail can be cancelled, where the accused misuses the Bail by engaging in similar criminal activities, interferes or obstructs the investigations, tamper with the evidence or influence the witnesses, intimidates or threatens witnesses, attempts to abscond or evade judicial process, becomes unavailable or goes underground and violates the conditions imposed or evades the control of sureties.

15. Reliance is also placed on Puran v. Rambilas, (2001) 6 SCC 338, wherein the Supreme Court held that cancellation of bail is permissible where the order granting bail is perverse, or if it is shown that a party obtained bail by misrepresentation or fraud or by suppressing material facts.

16. Similar observations were made in State of U.P. v. Narendra Nath Sinha, (2019) 10 SCC 528 and Deepak Yadav v. State of U.P., (2022) 8 SCC 559.

17. It is thus, asserted that there was no ground for cancellation of Anticipatory Bail, as the Applicants had not concealed anything from the Investigating Officer. It is submitted that the Petitioners are young men



having their family responsibilities. Hence, the Order of learned ASJ dated 31.10.2025, cancelling the Bail, be set aside.

Submissions heard and record perused.

18. First aspect, which is of relevance, is to consider the distinction between cancellation of Bail on account of *subsequent events and violation of terms of Bail by the Respondent* accused, which is distinct from recall of the Bail Order on merits, which can be made only if it is established that Bail has been granted by not considering the relevant facts on merits.

19. In the case of Ajwar vs. Waseem, (2024) 10 SCC 768, it was observed as under:

*“27. It is equally well settled that **bail once granted, ought not to be cancelled in a mechanical manner.** However, an unreasoned or perverse order of bail is always open to interference by the superior court. **If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail.** Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order.”*

20. It has been further observed in Ajwar, (supra):

*“28. The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party **include any supervening circumstances that may have occurred after granting relief to the accused**, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner.”*



21. In the recent judgement of Ashok Dhankad vs. State of NCT of Delhi and Another 2025 SCC OnLine SC 1690 the Apex Court has succinctly explained and summarized **the factors for consideration for setting aside of Bail Orders as under:**

“19.The principles which emerge as a result of the above discussion are as follows:

(i) An appeal against grant of bail cannot be considered to be on the same footing as an application for cancellation of bail;

(ii) The Court concerned must not venture into a threadbare analysis of the evidence adduced by prosecution. The merits of such evidence must not be adjudicated at the stage of bail;

(iii) An order granting bail must reflect application of mind and assessment of the relevant factors for grant of bail that have been elucidated by this Court.

(iv) An appeal against grant of bail may be entertained by a superior Court on grounds such as perversity; illegality; inconsistency with law; relevant factors not been taken into consideration including gravity of the offence and impact of the crime;

(v) However, the Court may not take the conduct of an accused subsequent to the grant bail into consideration while considering an appeal against the grant of such bail. Such grounds must be taken in an application for cancellation of bail; and

(vi) An appeal against grant of bail must not be allowed to be used as a retaliatory measure. Such an appeal must be confined only to the grounds discussed above.”

22. In the light of aforesaid principles, the contentions raised in the present Petition, be now considered.

23. In the present case, it is not a cancellation of Anticipatory Bail which has been sought, but in fact, the Anticipatory Bail granted vide Order dated



13.10.2025 by learned ASJ, was sought to be revoked, which was allowed vide the impugned Order. The main ground, which is agitated, is that there was material concealment from the learned Trial Court that Manoj had suffered gunshot injuries.

24. Pertinently, at the time when Anticipatory Bail was granted on 13.10.2025, these facts were not in the knowledge of the Police and did not form the part of the record. As per the State, after Anticipatory Bail was granted to the Applicants on 13.10.2025, only then Manoj came on 14.10.2025 and disclosed about having suffered bullet injury for which he was treated.

25. It is pertinent to note that on the date when the Anticipatory Bail was granted, there was no fraud or concealment of facts; the fact of bullet injury being caused to Manoj was a fact which emerged subsequently. It is the case of the Police itself that thereafter, Section 109 BNS was added.

26. Pertinently, co-accused Manoj who had sustained gunshot injury has already been given on 15.10.2025, wherein it is stated that Complainant Chander Prakash and his associates had fired at him, though no action has been taken by the Police.

27. It is abundantly clear that there is no concealment of the facts of fraud committed on the Court and there is no ground for recall of Anticipatory Bail. Pertinently, the injured Manoj has named the Complainant as the assailant, but Section 109 BNS has been subsequently added in the FIR registered against the companions of Manoj.

28. In these circumstances, it is held that the learned ASJ had recalled the Anticipatory Bail Order dated 13.10.2025 on misplaced grounds vide its impugned Order dated 31.10.2025.



29. Police is at liberty to conduct the investigations in respect of subsequently added Section 109 BNS. However, it is clarified that Police is free to conduct the investigations for offence under Section 109 BNS and the Applicants are also at liberty to obtain Bail under this Section 109 BNS, in accordance with law.

30. Therefore, present Petitions are allowed and Order dated 31.10.2025 of learned ASJ cancelling the Anticipatory Bail, is recalled.

31. Both Petitions along with pending Application(s), if any, are disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

DECEMBER 22, 2025/R