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

+ CRL.M.C. 3461/2026

AMARJEET SINGH

.....Petitioner

Through: Mr. Manish Sharma, Mr. Abhishek Verma, Mr. Vikas Sharma, Ms. Janhavi Singh, Mr. Chetan A. Yadav & Mr. Shrajan K. Rawat, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Tarang Srivastava, APP
SI Deepak Kumar, PS Lajpat Nagar.
Appearance not given for R-2

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **06.05.2026**

CRL.M.A. 14035/2026 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 3461/2026 & CRL.M.A. 14036/2026 (stay)

1. The petitioner, an accused in FIR No. 334/2021 dated 07.09.2021 registered at Police Station Lajpat Nagar under Sections 420, 406, 120B, and 34 of the Indian Penal Code, 1860 ["IPC"], assails an order dated 08.01.2026 passed by the learned Magistrate, whereby the bail earlier



granted to him vide order dated 08.07.2022 was cancelled, on an application preferred by the complainant.

2. By order dated 08.07.2022, the learned Magistrate granted bail to the petitioner, subject to the following conditions:

“19. In view of the same, the Accused Amarjeet Singh is hereby granted bail on his furnishing of personal bond of Rs. 30,000/- (Rupees Fifty Thousand Only) with two solvent sureties of the like amount, subject to the further conditions as mentioned below:

- a. He shall cooperate in the investigation and appear before the court as and when required.*
- b. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;*
- c. He shall provide his mobile number(s) and keep it operational at all times;*
- d. He shall not commit any offences during the tenure he will be on bail (though requirements of a righteous man would demand that he should not commit any offence ever in life again.)*
- e. In case of a change of residential address and/or mobile number, the same shall be intimated to the investigating officer well in advance.*
- f. He shall drop a PIN on the Google map to ensure that his location is available to the investigating officer.*
- g. He shall not leave the territory of NCT of Delhi without due intimation to the investigating officer.*
- h. The accused shall furnish “annexure B” in view of Sunil Tyagi Vs. Govt. of NCT of Delhi & Anr. [CrIMC5328/18] of the Hon’ble Delhi High Court.”*

3. The complainant moved an application on 12.07.2025 seeking cancellation of bail granted to the petitioner, which was allowed on 08.01.2026. It was alleged therein that the petitioner had changed his residential address and telephone number, and had otherwise committed breaches of several conditions imposed under the said bail order.



4. While passing the impugned order dated 08.01.2026, the learned Magistrate noted that *“notice was issued to the accused but the same was unserved through DCP concerned.”*
5. Mr. Tarang Srivastava, learned Additional Public Prosecutor, upon instructions, submits that the service report referred to above, indicates that attempts were made to serve the petitioner on 10.08.2025 and 20.08.2025 at E-6, Jangpura Extension, New Delhi-110014. Copies of the reports received from the office of the Deputy Commissioner of Police have been handed over in Court and are taken on record.
6. Mr. Manish Sharma, learned counsel for the petitioner, however, submits that the said address is not the address at which the petitioner was residing. He points out that both in the bail bonds furnished by the petitioner in the year 2022, and in the verification report prepared then, the petitioner’s address is recorded as House No. 78, Block-MU, Pitampura, New Delhi.
7. Mr. Srivastava submits that, on earlier occasions, namely on 20.03.2024 and 10.12.2024, the Investigating Officer had made attempts to serve the petitioner with notices under Section 41-A of the Code of Criminal Procedure, 1973 [“CrPC”] at the aforesaid address; however, the said attempts were unsuccessful.
8. A further status report dated 06.05.2026, has been handed over in Court and taken on record, wherein it is stated that verification has been conducted at the Pitampura address on 05.05.2026, and the petitioner’s wife was found present there. It is further stated that the petitioner was contacted telephonically at a number given by his wife, and responded to the call; however, he did not disclose his present whereabouts



9. The grant of bail confers a much valued concession upon an accused, directly affecting the most basic aspect of personal liberty. Once granted to an accused, it cannot be withdrawn without compliance with the principles of natural justice, namely, issuance of notice and affording the accused an opportunity of hearing. In this regard, the Supreme Court in *P.K. Shaji v. State of Kerala*¹, held as under:

*“6. The plea of the appellant's learned counsel is that if the Sessions Court had granted bail, the order of cancellation of such bail should also have been passed by the Sessions Court or by any superior court and not by the learned Magistrate who is not empowered to cancel it. As a general proposition, the plea raised by the appellant is correct. **It is equally true that the accused who is on bail, should be heard before an order of cancellation of bail is passed by the Court.** This Court in *Gurdev Singh v. State of Bihar* [(2005) 13 SCC 286 : AIR 2000 SC 3556 (1) : (2004) 4 Crimes 103] held that the accused must be given notice and opportunity of hearing before the bail granted to him is cancelled.”²*

10. The aforesaid position has been reiterated by the Supreme Court in *Purushothaman v. State of T.N.*³, wherein the Court deprecated the cancellation of bail without granting the accused an opportunity of hearing, and observed as under:

“7. Unfortunately, the High Court, without even giving an opportunity of being heard to the appellant-accused on the issue of cancellation of bail, has straightaway proceeded to cancel the bail granted to him. Such approach on the part of the High Court cannot be countenanced especially when the High Court can always deal with the situation when an adjournment is sought by the advocate for the accused at the time of final hearing of the appeal on unreasonable grounds. For the default of the advocate appointed by the accused, the appellate court cannot penalise the accused by proceeding to cancel his bail only on the ground that his advocate has sought adjournment and that also without giving an opportunity of being heard to him on the issue of cancellation of bail.”

¹ (2005) 13 SCC 283.

² Emphasis supplied.

³ (2024) 19 SCC 481.



11. In the present case, the material on record indicates that notice on the application for cancellation of bail, was not served upon the petitioner at the address on record, which was furnished by him in the bail bonds. No such attempt appears to have been made at all, proceeding on the assumption that he was unavailable there, and serving instead at a different address. Having regard to the aforesaid facts, I am of the view that the application seeking cancellation of bail requires reconsideration, after affording the petitioner an opportunity of hearing.

12. The order dated 18.01.2026 passed by the learned Magistrate, is therefore set aside, and the application filed by the complainant is remanded to the Magistrate's Court for re-consideration.

13. List before the learned Magistrate's Court on 15.05.2026. No further notice to the parties is required, as they are all represented before this Court. They may enter appearance before the learned Magistrate on the date fixed, and make their respective arguments.

14. The petition, alongwith pending application, is disposed of in the aforesaid terms.

15. It is clarified that this Court has not expressed any opinion on the merits of the case or on any petition that may be filed by the petitioner hereafter, which shall be considered by the appropriate Court on its own merits, in accordance with law.

PRATEEK JALAN, J

MAY 6, 2026

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