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

\# **CNR No. DLHC010915662025**

\+ CRL.M.C. 8285/2025 CRL.M.A. 34535/2025 CRL.M.A. 34569/2025 CRL.M.A. 31707/2026

FIROZ KHAN .....Petitioner

Through: Mr. Salim Malik, Mr. Shavana Begum, Mr. D.M. Malik and Mr. Farman, Advs. with Petitioner's mother (in person)

versus

STATE (NCT OF DELHI) AND ANR .....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
Mr. Vijay Kinger and Ms. Roopa Nagpal, Advs. (DHCLSC)
SI Rajiv Kumar, PS Dayal Pur
SI Ankit Kumar, PS Ankur Vihar

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 02.11.2026

CRL.M.A. 34535/2025 (for exemption)

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

CRL.M.C. 8285/2025 & CRL.M. A. 31707/2026

3. This petition has been filed assailing the order dated 13.11.2025 ['impugned order'] passed by ASJ-04, North East District, Karkardooma Courts, Delhi ['Trial Court'], whereby the learned Trial Court cancelled the

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Petitioner's regular bail.

4. The brief facts of the case are as follows: -

5. The Petitioner is the brother-in-law of Respondent No. 2, i.e., the complainant herein. Ms. Huma is the sister of Respondent No. 2 and is married to the Petitioner.

5.1. On 14.03.2025, a GD No. 0092A was registered at Police Station ['P.S.'] Dayalpur, which led to the registration of the subject FIR No. 0167/2025 registered at P.S. Dayalpur, Delhi under Sections 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ['BNS'], against the Petitioner. Respondent No. 2, along with his brother Hasmuddin, sustained stab injuries allegedly inflicted by the Petitioner and his family members. The injuries have been opined as grievous.

5.2. The Petitioner was arrested on 15.03.2025, and the charge-sheet was filed on 12.06.2026.

5.3. It is stated that the Petitioner was thereafter granted regular bail *vide* order dated 08.07.2025.

5.4. Respondent No. 2 filed an application on 12.09.2025 seeking cancellation of the Petitioner's bail on the ground that, while on bail, the Petitioner approached Respondent No. 2 at his residence in Loni, Ghaziabad on 18.08.2025 and threatened him to withdraw the complaint in the subject FIR. This incident led to the registration of a fresh FIR No. 0337/2025 dated 08.09.2025 in PS Ankur Vihar, Loni, Uttar Pradesh.

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5.5. Learned Trial Court framed charges on 12.09.2025 against the Petitioner and co-accused Anwar, who is his maternal uncle.

5.6. The learned Trial Court was apprised that the incident of 18.08.2025 of the Petitioner visiting the complainant at his residence and extending threats stood verified. Therefore, the learned Trial Court, *vide* the impugned order dated 13.11.2025, cancelled the Petitioner's regular bail and directed the Petitioner to surrender within seven [7] days. The learned Trial Court observed that the Petitioner had violated the condition (iv) imposed *vide* bail order dated 08.07.2025, restraining him from approaching any witness or injured person, directly or indirectly. The learned Trial Court further observed that there was a likelihood of further harm or intimidation to Respondent No. 2 and other injured persons if the Petitioner continued to remain on bail.

5.7. Aggrieved by the impugned order, the Petitioner has preferred the present petition challenging the same.

6. *Vide* order dated 20.11.2025 ['interim order'], this Court stayed the impugned order, once again subject to the Petitioner and his family members not contacting the complainant and her family members. The relevant paragraph no. 6 reads as under:

> "6. The Petitioner and his family members or anybody acquainted him, shall not make any contact with the complainant or any of the family members."

7. In the intervening period, CRL.M. A. 31707/2026 has been filed by Respondent No. 2 seeking vacation of the interim order on the ground that the Petitioner and his family members have continued to harass and threaten

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Respondent No. 2 and his family members in violation of the aforesaid direction issued in the interim order.

8. Mr. Vijay Kinger, learned counsel for Respondent No. 2, states that the Petitioner threatened the complainant's sister Ms. Huma, on 11.02.2026 near P.S. Khajuri Khas and threatened to harm her entire family if the subject FIR was not withdrawn.

8.1. He states that Respondent No. 2 and his family members have approached the police and other authorities on several occasions, apprehending danger to their lives and safety. Various FIRs, NCRs, kalandra proceedings, and complaints were initiated in this regard between February and August 2026.

8.2. He states that Respondent No. 2 also approached the learned Trial Court seeking police protection and escort for himself and his family members, who are material witnesses in the case. He states that *vide* order dated 21.08.2026, the learned Trial Court directed the SHO, P.S. Dayalpur, Delhi, to take concrete steps to ensure their safety.

8.3. He states that despite the aforesaid direction, adequate protection has not been provided to Respondent No. 2 and his family members, who continue to apprehend a threat to their life and safety from the Petitioner and his associates.

9. This Court, *vide* order dated 08.10.2026, had also issued directions to the concerned SHO at Loni, Ghaziabad to seek an update on the allegations of threat to the family of Respondent No. 2 since they reside in the said area.

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A police official from PS Ankur Vihar, Loni, Ghaziabad has appeared and filed his report. It is stated that pursuant to the complaint of the incident dated 18.08.2025, verification was carried out. It is stated that CCTV footage was recovered, which established that the Petitioner herein had visited the residential area of the complainant. It is stated that on investigation, the allegations were found to be correct and a chargesheet has been filed with the concerned Court at Ghaziabad.

10. Mr. Chahar, learned APP, has filed a status report dated 13.10.2026. He submits that in addition to the aforesaid incident of 18.08.2025, the Petitioner herein on 11.02.2026 similarly quarrelled with Ms. Huma and abused her, which led to registration of DD No. 115A dated 11.02.2026 under Sections 126 and 170 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ['BNSS'] with PS Khajuri Khas. He states that the Petitioner was taken into police custody and produced before the concerned Special Executive Magistrate ['SEM'] on 12.02.2026. He states that the Petitioner herein was released on furnishing the surety bond for keeping the peace until the completion of the inquiry. He states that on 10.03.2026 the SEM recorded that the Petitioner herein was unable to disprove allegations that he was abusing and quarrelling with his wife in public. The order dated 10.03.2026 reads as under:

> "In view of the above facts and circumstance, the proceeding was initiated against the respondent but he has not been able to disprove the allegations leveled in this Kalandra. Hence possibility of apprehension of breach of peace of public cannot be ruled out. In my view no fruitful purpose will be served to keep pending the present Kalandra. Keeping in views of above facts and circumstances, I hereby drop the proceedings against the respondent and also discharge the respondent in Kalandra."

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10.1. He states that orders dated 12.02.2026 and 10.03.2026 have attained finality.

10.2. He states that Ms. Huma has filed a complaint that on 11.02.2026, when the matter was listed before the SEM Court, the Petitioner once again threatened her with dire consequences after he returned from jail. She states that she filed the complaint about the said incident, which was registered as NCR No. 0022/2026.

10.3. He states that Ms. Huma has filed a criminal complaint against the Petitioner for cruelty in marriage. In this regard, Ms. Huma and the Petitioner were called for mediation and counselling on 03.08.2026 by the Crime Against Women Cell, Nand Nagari. He states however allegedly Petitioner herein on the said date as well abused and extended threats to Ms. Huma due to which she filed a complaint, which has been registered as NCR No. 0074/2026.

10.4. He states that Respondent No. 2's brother Salman, who is a witness in the subject FIR, has also complained of receiving threats and apprehension of danger from the Petitioner. The office of the Deputy Commissioner of Police, North East District Delhi, after taking into consideration the aforesaid incidents of 18.08.2025, 11.02.2026 and 03.08.2026, and conducting an inquiry, *vide* order dated 29.09.2026 opined that the threat perception expressed by Salman appears to be genuine and warrants providing him security.

10.5. He states that currently, before the learned Trial Court, examination-in-chief of PW-1 Shahrukh, PW-2 Hasmuddin, PW-3 Salman and PW-4

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Aamir has been recorded. The cross-examination of PW-4 Aamir has been partly recorded. The remaining PW-1, PW-2 and PW-3 are yet to be cross-examined. He states that the matter is next listed before the learned Trial Court on 10.02.2027 for prosecution evidence.

10.6. He states that, in these facts, it is the submission of the State that the impugned order of the learned Trial Court dated 13.11.2025 cancelling the bail of the Petitioner ought to be upheld, and the Petitioner kept in judicial custody, atleast until the evidence of PW-1, PW-2, PW-3 and PW-4 is complete.

11. In reply, learned counsel for the Petitioner states that it is correct that the Petitioner herein had gone to Loni Ghaziabad at the residence of Respondent No. 2 on 18.08.2025. He states that the Petitioner had learnt that his child was unwell and he wanted to inquire about his health. He states that, however, the Petitioner changed his mind after reaching the house of Respondent No. 2 and did not meet the child.

11.1. With respect to the incident of 11.02.2026 pertaining to the quarrel with Ms. Huma, he submits that the Petitioner was angered when he saw Ms. Huma with another man, and this led to the quarrel between them.

11.2. He submits that the Petitioner undertakes to cooperate with the learned Trial Court and the recording of evidence of PW-1, PW-2, PW-3 and PW-4 may be expedited.

11.3. He states that there are matrimonial disputes between the Petitioner and his wife Ms. Huma, and these complaints are intended to put undue

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pressure on the Petitioner herein.

12. This Court has heard the learned counsel for the parties at length and perused the record.

13. The Trial Court, *vide* the impugned order dated 13.11.2025, cancelled the bail of the Petitioner herein for violation of express condition no. (iv) imposed *vide* order dated 08.07.2025, which directed the Petitioner herein not to contact the complainant or any other witness connected with the subject FIR.

14. The learned Trial Court cancelled the bail after it was apprised that the Petitioner herein on 18.08.2025 had visited the residence of the complainant in Loni and extended threats to the complainant to withdraw its complaint. The Petitioner's visit on 18.08.2025 was verified by the police of PS Ankur Vihar Loni, Uttar Pradesh, and an FIR No. 337/2025 was registered under Sections 351(3)/351(2) of the BNS.

15. Even before this Court, during submissions, the learned counsel admits that the Petitioner visited the residence of the complainant on 18.08.2025 to visit his child, who he believed was unwell. The explanation offered by the Petitioner for visiting the house cannot be accepted, given the deteriorated relations between the parties. The act of the Petitioner in visiting the residence of the complainant was thus, clearly a violation of condition no. (iv) as rightly held by the learned Trial Court.

16. Separately, this Court, while entertaining this petition on 20.11.2025 and staying the operation of the order dated 13.11.2025, had once again

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restrained the Petitioner from making any contact with the complainant or any of the family members. Despite this express restraint, the Petitioner had a confrontation with Ms. Huma, the sister of the complainant, on 11.02.2026, which led to the registration of DD No. 115A and the proceedings dated 12.02.2026 and 10.03.2026. The Petitioner was taken into police custody, and the SEM recorded that the Petitioner was guilty of abusing and quarrelling with Ms. Huma on 11.02.2026. Ms. Huma is also a witness in the subject FIR along with the complainant and her brothers. Learned counsel for the Petitioner has not disputed this incident and offered a justification which is not acceptable, as it is a clear violation of the restraint issued by this Court on 20.11.2025. This incident of 11.02.2026 shows absolute lack of regard for the conditions of bail by the Petitioner and is the second instance of the Petitioner violating the conditions of bail.

17. The letter dated 29.09.2026 issued by the Additional Deputy Commissioner of Police opining that the threat perception expressed by witness Salman at the hands of the Petitioner herein is genuine also lends credence to the finding of the learned Trial Court in the impugned order dated 13.11.2025 that the Petitioner herein is extending threats to the complainant and the witnesses.

18. The IO investigating FIR No. 337/2025 as regards the incident of 18.08.2025 has, after investigation, filed a chargesheet opining that indeed the incident happened and the case is pending trial before the concerned Court at Ghaziabad. There is also CCTV footage of the Petitioner visiting the residential area of the complainant.

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19. In the aforenoted facts, the incidents of 18.08.2025 and 11.02.2026 are not disputed, and these facts by themselves are sufficient ground for upholding the impugned order dated 13.11.2025.

20. This Court has refrained from examining the separate incidents and allegations of threats extended by the Petitioner to Ms. Huma again on 11.02.2026 in the Court of the SEM and on 03.08.2026.

21. Accordingly, the Interim order dated 20.11.2025 stands vacated.

22. The Petitioner will be at liberty to apply for regular bail again after the examination and cross-examination of material public witnesses, including PW-1, PW-2, PW-3 and PW-4, as well as Ms. Huma, is completed.

23. The matter is listed before the learned Trial Court in February, 2027 for recording of the evidence of the aforesaid witnesses. The examination-in-chief of PW-1, PW-2, PW-3 and PW-4 has already been recorded on 13.01.2026; the cross-examination is, however, pending. In these peculiar facts, where the bail of the Petitioner has been cancelled to prevent him from threatening the public witnesses, to balance the rights of the accused and the complainant as well as the witnesses, it is deemed appropriate to issue a direction for preponing the date before the learned Trial Court for fixing a date for recording of evidence.

24. The IO is directed to move an appropriate application before the learned Trial Court within one [1] week. The learned Trial Court is requested to fix a date for recording of evidence in December, 2026 and

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make an endeavour to record the evidence of material public witnesses within six [6] weeks from the date fixed in December, 2026.

25. Respondent No. 2, i.e., the complainant and his family members, undertake to cooperate with the learned Trial Court and remain present as and when directed for recording of their evidence.

26. The petition stands dismissed with the aforesaid directions. Pending applications stand disposed of.

27. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 2, 2026/hp/msh/aa

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