



2026:DHC:8158



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

Date of decision: 22nd September, 2026# **CNR No. DLHC010003512026**+ **CRL.M.C. 180/2026 CRL.M.A. 6599/2026 CRL.M.A. 14346-14347/2026****SUMIT KUMAR**

.....Petitioner

Through: **Mr. R.P.S. Bhatti, Adv.**

versus

**THE STATE (GOVT OF NCT OF DELHI)
& ANR.**

.....Respondents

Through: **Mr. Naresh Kumar Chahar, APP for
the State
Mr. Naveen Singla and Ms. Ria
Goyal, Adv. for R-2
SI Vikram Singh, P.S. Welcome**

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CORAM:**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****J U D G M E N T****MANMEET PRITAM SINGH ARORA, J (ORAL):****CRL.M.A. 14347/2026 (for exemption)**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.



CRL.M.C. 180/2026

3. The present petition has been filed by the complainant under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') read with Section 439(2) of the CrPC, challenging the order dated 08.12.2025 ('impugned order'), passed by the learned Additional Sessions Judge ('ASJ') (Shahdara), Karkardooma Courts, Delhi, whereby the learned ASJ has granted regular bail to Respondent No. 2 i.e., Ganesh Chawla alias Sonu Chawla subject to certain conditions.

4. The proceedings arise from FIR No. 126/2024 dated 05.02.2024, registered at Police Station Welcome, for offences under Sections 302/307/341/323/34 of the Indian Penal Code, 1860 ('IPC') and under Section 25/27 Arms Act, PS Welcome, Delhi.

5. Learned counsel for the Petitioner submits that the learned ASJ has granted bail to Respondent No.2 without issuing notice to the complainant.

5.1. He stated that during the investigation, the ['IO'] created a false statement of the complainant, titled as "Statement of Sumit Kumar under Section 161 CrPC", which is contradictory to the statement recorded in FIR No. 126/2024 and the same was prepared without the knowledge or consent of the complainant.

5.2. He further stated that the protest petition filed by the complainant against the Respondent No.2 was allowed *vide* order dated 23.08.2024 whereby the learned JMFC held that "*prima facie case against the accused person mentioned in column no. 11 and 12 is made out*".



6. This Court has heard the learned counsel for the parties and has perused the record.

7. Learned ASJ while granting bail has recorded the following facts pertaining to the accused/Respondent no. 2 in the order:

“.....

Applicant/accused is FIR named, but complainant contradicted himself in his supplementary statement by stating that at the time of alleged offence, **Sonu Chawla** was not present at the spot and complainant was also the eye witness and injured. PW Sunder stated that **Sonu Chawla**, who was known to him, was not present at the spot at the time of alleged incident. PWs Vipin, Suman and Rahul have not given any statement against **Ganesh Chawla**.

6. The police filed the charge-sheet by putting accused Ganesh Chawla in column no. 12, but Ld. JMFC summoned him as accused by considering the complaint of complainant. Chargesheet has already been filed. Nothing is to be recovered from applicant/accused. His presence at the spot is doubtful. No purpose would be served by sending him behind the bars. As per reply of IO, applicant/accused as per his CDR, was not located at place of incident and no incriminating evidence came on record against him.”

8. Learned counsel for the Petitioner could not point out any error in the aforesaid facts recorded in the impugned order.

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. The party seeking setting aside of an order granting bail must establish a compelling case and demonstrate that the said order was illegal, unjust or improper.



10. In **P v. State of Madhya Pradesh & Anr.**¹ the Supreme Court has held that while considering cancellation of bail, the Court is required to examine whether any supervening circumstances have arisen or whether the post-bail conduct of the accused warrants withdrawal of the liberty granted to him. At the same time, interference may be warranted where the order granting bail is illegal, perverse or based upon irrelevant material.

11. Similarly, in **Ajwar v. Waseem & Anr.**², the Supreme Court reiterated that bail once granted ought not to be cancelled mechanically. An order granting bail may nevertheless be interfered with where it is unreasoned or perverse, or where relevant material, gravity of the offence or its impact has been ignored.

12. More recently, in **Sanjay Kumar Jangid & Anr. v. Mukesh Kumar Agarwal & Anr.**³, the Supreme Court reiterated that cancellation of bail is a harsh measure affecting the liberty of an individual and, therefore, should not be lightly resorted to. The Court noticed that circumstances such as misuse of liberty, interference with investigation, tampering with evidence, threatening witnesses or an attempt to evade the process of law may justify cancellation of bail.

13. In the present case, Respondent No.2 was granted bail *vide* order dated 08.12.2025 and no subsequent incident has been brought to the notice of this Court to show that Respondent No.2 has misused the liberty granted to him. Learned APP confirms on instructions from the Investigating Officer

¹ (2022) 15 SCC 211 at paragraph no. 24 and 25

² (2024) 10 SCC 768 at paragraph no. 27, 28 and 29

³ Criminal Appeal Nos. 2381 of 2025 at paragraph no. 16



2026:DHC:8158



that Respondent No. 2 is cooperating with the trial.

14. Keeping in view the settled principles governing cancellation of bail, this Court finds no perversity or illegality in the impugned order dated 08.12.2025. Accordingly, no ground is made out for cancellation of bail granted to Respondent No.2.

15. The present petition, along with the pending application, is accordingly dismissed.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 22, 2026/AJ