



2026:DHC:1127



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

Reserved on: 07.02.2026
Pronounced on:11.02.2026
Uploaded on:11.02.2026

+ CRL.M.C. 9041/2025 & CRL.M.A. 37820/2025, CRL.M.A.
1591/2026

IZAZ HUSSAIN

.....Petitioner

Through: Mr. Samrat Nigam, Senior
Advocate with Mr. Siddharth
Satija, Mr. Dabayan
Gangopadhyay, Ms. Ragini
Nagpal, Mr. Surya Ketu Tomar &
Ms. Anuka Bachawat, Advocates.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Satish Kumar, APP for State.
SI Surendra Singh, PS Jahangir
Puri.
Mr. Rakesh, Advocate for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

1. By way of this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner challenges an order dated 15.12.2025, passed by the Principal District & Sessions Judge, North District, Rohini Courts, Delhi, by which the regular bail granted to the petitioner in connection with the proceedings arising out of FIR No.



137/2025, registered at Police Station Jahangir Puri, under Sections 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023, was cancelled.

A. FACTS

2. The aforesaid FIR was registered on 14.02.2025, in respect of injuries caused to respondent Nos. 2 and 3 herein, in an incident which took place at 12:30 AM on the same day. They alleged that they were hit by a scooty which was carrying 6-7 boys, being driven in rash and negligent manner. This led to a fight, in which they alleged that they were attacked by one of the assailants with a dagger. The other accused persons, including the petitioner, were accused to having caught hold of them. Six persons have been apprehended in connection with the aforesaid offence, including the petitioner, one Md. Yusuf and four children in conflict with law [“CCL”]. The attack with the dagger is stated to have been committed by one of the CCLs.

3. The petitioner was arrested on 14.02.2025, and was in judicial custody since 15.02.2025.

4. After completion of investigation, the chargesheet was filed on 09.05.2025.

5. By order dated 04.06.2025, the Sessions Court granted regular bail to the petitioner with the following observations:

“5. I have heard Ld. Counsel for the applicant/accused, Ld. Subs. Addl. PP for the State and have perused the record. The allegations against the applicant/accused are that an information vide DD No.6A dated 14.02.2024 was received from BJRM Hospital to the effect that two injured persons i.e. Yamin and Farman had been admitted in the said hospital after sustaining stab injuries; thereafter, both the said injured were examined who told that they worked as waiters in a tent house and when they were going home at around 12.30 am on 14.02.2025 and reached near Aryan Hansraj School, K Block, some boys, who were on scooty/two-wheeler and were driving in a rash manner, came



from their opposite side and hit them with their scooty; when victims/injured raised objection, the alleged boys scuffled with them and one of the boys stabbed both of them with a knife; thereafter all the assailants ran away from the spot. When they fled away, the victims/injured noted the registration number of their scooty.

6. As per reply filed by the IO, the applicant/accused physically assaulted the victims and had caught hold of victims with his associates when CCL 'S' stabbed the victims with knife.

7. The main role of stabbing the victims with a knife has been attributed to CCL 'S'. As per the FIR, scuffle had taken place between the accused persons and the victims suddenly, due to roadrage incident. Chargesheet has already been filed. There is no previous criminal involvement of the applicant/accused in any other criminal case. The applicant/accused is in JC since 14.02.2025. Conclusion of the trial is likely to consume considerable time. Hence, no fruitful purpose would be served by keeping the accused behind bars. Accordingly, in view of the facts and circumstances of the case, **the applicant/accused Izaz Hussain is admitted to regular bail** on furnishing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety of the like amount to the satisfaction of Ld. JMFC/Link JMFC/Duty JMFC, **subject to the following terms and conditions :- (i) During the period of bail, the accused shall not try to contact directly or indirectly or through any of the electronic mode to the victim/complainant and family members of the victim/complainant or any public witness;** (ii) During the pendency of the trial of this case FIR, the accused shall not get himself involved in the similar nature of offence; and (iii) During the period of bail, the accused shall furnish his mobile number to the concerned IO/SHO and shall keep his mobile phone on for 24 X 7 and will respond as and when called by the concerned IO/SHO.”¹

6. I am informed that the aforesaid order dated 04.06.2025 was not challenged by the State or respondent Nos. 2 and 3.

7. An application for cancellation of bail was, however, filed by respondent Nos. 2 and 3 herein on 10.10.2025². A complete copy of the said application, alongwith the reply thereto filed by the Investigating Officer [“IO”], have been handed up in Court and are taken on record.

¹ Emphasis supplied.

² An incomplete copy of the application has been annexed to the petition as Annexure P-7.



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Mr. Satish Kumar, learned Additional Public Prosecutor, instructed by the IO, has confirmed the veracity of the documents handed over.

8. Respondent Nos. 2 and 3 sought cancellation of bail granted to the petitioner and to one of the CCLs, referred to herein as “A”. The allegations in the said application may be summarized as follows:

- A. The victims were not informed with regard to hearing of the bail application.
- B. On 17.09.2025, “A”, alongwith a companion, attacked the elder brother and father of respondent No. 3, while they were returning from a *kabristan*. They were attacked from behind, and fell on the road. “A” was identified by the brother of respondent No. 3. Although the matter was reported to the police, no action was taken.
- C. “A”, alongwith two other accused (not including the present petitioner), began intimidating the victims by taking rounds on their bike around their workplace, and sending threatening messages through their associates.
- D. On 21.04.2025 at 11:00 PM, when respondent No. 3 went to his godown and respondent No. 2 was standing outside the godown, then some associates of the accused assaulted respondent No. 2 and threaten both respondents herein, warning them that they would be killed if they did not settle the matter. The incident was reported to the police on 01.05.2025, but no action was taken.
- E. On 01.09.2025, when respondent Nos. 2 and 3 came to attend the Court proceedings, the petitioner herein threatened them to withdraw the case, failing which their family would be killed. The



incident was reported on the police helpline, and the respondent Nos. 2 and 3 were advised to file a complaint at Police Station Prashant Vihar, which they did on 03.09.2025.

F. The conduct of “A” demonstrates that he is misusing the liberty granted, and is continuing to intimidate and influence the victims and the witnesses.

9. The IO filed a reply before the Sessions Court. After recounting the facts leading up to registration of the FIR, and results of the investigation as detailed in the chargesheet, the IO stated as follows:

“In view of the serious nature of the allegation of direct involvement of the accused causing the injuries to the victim and likelihood to influence the witnesses particularly as the parties reside in the same locality, it is most respectfully submitted that the bail granted to the accused may be cancelled.”

10. The Principal District & Sessions Judge passed the impugned order dated 15.12.2025, cancelling the bail granted to the petitioner, with the following discussion:

“4. According to the Ld. Counsel for applicants/victims, accused Izaz Hussain was granted bail on 04.06.2025 but the said accused as well as his associates have been regularly intimidating and threatening the applicants/victims regarding which various complaints have been given to the police. It is further submitted that even the elder brother of victim Yamin and his father were assaulted on 17.09.2025; that on 21.04.2025, 4-5 associates of the accused surrounded and assaulted victim Farman and threatened both the applicants/victims that if they did not settle the matter then they would be killed. It is further submitted that on 01.09.2025 when the victim had come to attend the court proceedings, the accused Izaz Hussain threatened the victim to withdraw the case failing which the victim and his entire family would be killed. The victim made a call to the police helpline number 112 about the incident and was told by the police to file complaint at PS Prashant Vihar whereafter the applicant/victim had filed a complaint dated 03.09.2025 against accused Izaz Hussain at PS Prashant Vihar. It is further submitted that accused Izaz Hussain has violated the



conditions of bail by threatening the victims and their family members. The applicants/victims pray for cancellation of bail granted to accused Izaz Hussain submitting that if the said accused is allowed to remain on bail then he will continue to threaten the victims and their family. The present application is accompanied with complaint received at PS Prashant Vihar on 03.09.2025.

5. Per contra, Ld. Counsel for accused Izaz Hussain submits that a false complaint has been made against the said accused; that the said complaint was allegedly arising out of incident dated 01.09.2025 but the complaint was only filed on 03.09.2025 without any reason for justification of delay in filing the complaint; that mere allegation of threats without any substantiation whatsoever cannot warrant cancellation of bail.

6. One of the main conditions for grant of bail to accused Izaz Hussain on 04.06.2025 was that he shall not try to contact directly or indirectly with the victims and their family members or any public witness. **The threats extended to the victims are corroborated by complaint lodged with the police on 03.09.2025. Even NCR No. 0228/2025 recorded vide GD No. 054 dated 30.10.2025 at PS Prashant Vihar u/s 351(2) BNS also supports the averments that accused persons in this case are intimidating the victims. There is no reason forthcoming as to why the victims will lodge false complaint. Considering the threats extended to the victim on 01.09.2025 by the accused Izaz Hussain and assault on the family members of the victim (father and elder brother) by his associate (JCL 'A') and the apprehensions of the victims made today, it is evident that accused Izaz Hussain as well as his associates/other accused have misused the liberty of bail granted to them on 04.06.2025. The accused Izaz Hussain has breached the essential condition of not approaching/intimidating the victims or their family members. Accordingly, in view of the submissions made by the victims Farman and Yamin, who are present in person in the Court, and the bail granted to accused Izaz Hussain on 04.06.2025, is hereby cancelled. The present application for cancellation of bail u/s 439(2) Cr.PC qua accused Izaz Hussain is hereby allowed. Consequently, accused Izaz Hussain is taken into custody.**³

B. SUBMISSIONS OF LEARNED COUNSEL

11. I have heard Mr. Samrat Nigam, learned Senior Counsel for the petitioner, Mr. Kumar, and Mr. Rakesh, learned counsel for respondent Nos. 2 and 3.

³ Emphasis supplied.



12. Mr. Kumar has also placed on record a status report dated 23.12.2025. Mr. Rakesh has handed up to the Court, a reply on behalf of respondent Nos. 2 and 3 dated 31.01.2026, which is taken on record.

13. Mr. Nigam submitted that the liberty of the petitioner has been curtailed by cancellation of bail, without any discussion or findings with regard to veracity of the allegations levelled by respondent Nos. 2 and 3. He drew my attention to the contents of the application filed by the respondent Nos. 2 and 3 before the Sessions Court, wherein the allegations were principally against “A”, and not against the petitioner herein.

14. Relying upon the status report filed by the State before this Court, Mr. Nigam submitted that the complaints against the petitioner were investigated by the police, but closed for good reason. He also relied upon judgments of the Supreme Court in *Dolat Ram & Ors. v. State*⁴, and *Parvinder Singh Khurana v. Directorate of Enforcement*⁵, of this Court in *Karan Kukreja v State & Anr.*⁶, and of the Kerala High Court in *Renjith v. State*⁷ to submit that an order cancelling bail must be founded on established facts, and not on mere allegations.

15. Mr. Kumar placed the contents of the status report. As far as the allegations against the present petitioner are concerned, he submitted that the allegations pertain to an incident of 01.09.2025 referred to in the application filed by respondent Nos. 2 and 3 before the Sessions Court, as well a subsequent complaint with regard to an incident which took place

⁴ (1995) 1 SCC 349 [hereinafter, “*Dolat Ram*”].

⁵ 2024 SCC OnLine SC 1765.

⁶ 2023 SCC OnLine Del 7070 [hereinafter, “*Karan Kukreja*”].

⁷ 2023 SCC OnLine Ker 1252 [hereinafter, “*Renjith*”].



on 30.10.2025 after the application had been filed. The second complaint was received by a PCR call, and a non-cognizable report [“NCR”] was lodged, stating that the caller had gone to Rohini Court Complex to give evidence when the accused caught hold of him and threatened him with death, if he gave evidence against him. A mobile number was noted in the NCR.

16. Mr. Rakesh submitted that the police did not properly appreciate the allegations levelled by the victims against the accused, who have constantly threatened and intimidated the victims. He submitted that the victims are still in the process of testifying before the Trial Court. The release of the petitioner on bail at this stage would therefore give rise to serious apprehension of their safety, and would interfere with their ability to give evidence truthful and fearlessly.

C. ANALYSIS

17. Before dealing with the facts of the present case, it is necessary to recall that an application for cancellation of bail must be adjudicated upon established facts and evidence, and not on mere allegations and perceptions. The Supreme Court in *Dolat Ram* expressed the position in the following terms:

*“4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. **Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted.** Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. **However, bail once***



granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.”⁸

18. This has been followed by this Court in *Karan Kukreja*, where this Court has emphasised the requirements that, supervening circumstances must be adverted to, to support a finding that the grant of bail to the accused is no longer conducive to a fair trial.

19. The decision of the Kerala High Court in *Renjith*, relying upon *Dolat Ram, P. v. State of Madhya Pradesh*⁹ and *Imran v. Md. Bhava*¹⁰, emphasised that significant scrutiny is required to establish such supervening circumstances, and the possibility of false accusations born out of oblique motives cannot be ignored.

20. In the present case, the allegations levelled by respondent Nos. 2 and 3 in the application filed before the Sessions Court covered incidents of 21.04.2025, 01.05.2025, 01.09.2025 and 17.09.2025. Certain new allegations have been included in the reply filed by them before this Court. Each of these allegations is dealt with in the following paragraphs.

I. Incidents while the petitioner was in custody [05.03.2025, 21.04.2025 and 01.05.2025]

21. The incidents of 21.04.2025 and 01.05.2025 pertain to a period when the petitioner was in custody, as he was granted bail only on

⁸ Emphasis supplied.

⁹ (2022) 15 SCC 211 [hereinafter, “*P v. State*”].

¹⁰ (2022) 13 SCC 70 [hereinafter, “*Imran*”].



04.06.2025. In the reply filed before this Court by respondent Nos. 2 and 3, they have cited incidents dated 05.03.2025 and 21.04.2025, and attributed them to “*associates of the petitioner*”. Both these allegations are also during the period the petitioner was in custody. It is therefore not possible to consider these allegations to assess “*supervening circumstances*”, attributable to the petitioner.

II. Incident dated 01.09.2025

22. As far as the allegation of being threatened by the present petitioner in Court on 01.09.2025 is concerned, the status report filed before this Court includes a Diary Entry [GD No. 90A, dated 01.09.2025] recorded at Police Station Jahangir Puri with regard to threats being extended to the caller by an individual called “*HAJAR HUSAN*”. A mobile number was also noted in the said GD entry. A further GD entry was recorded on the next day [GD No. 90, dated 02.09.2025], which states that the caller’s name was Yamin [which is the name of respondent No. 3 herein], who stated that he had a case in Rohini Court, and that when he attended the Court, a person by the name of “*HAZAR HUSAN*” misbehaved with him, and he does not want any further action.

III. Incident dated 17.09.2025

23. With regard to the incident on 17.09.2025, the application before the Sessions Court stated as follows:

“3. Then gradually these accused were granted bail by the Hon'ble Court. But the bail hearing was going on the applicant was never informed and called in the court at the hearing of the bail. The accused ['A'], who was initially involved in the incident after getting the bail along with his companion, attacked Babu Khan (elder brother of the victim Yamin) and his father on 17.09.2025 while they were returning from Kabristan. The accused hit them from behind, causing both victims to fall on the road.”



Babu Khan, upon standing up, identified the accused ['A'] and reported the incident to the police, but no action was taken at that time.

4. That after being released on bail, the accused ['A'], along with co-accused Jaid and Sameer, began intimidating the victim by taking rounds in his bike around his workplace and sending threatening messages through their associates Aalid and Nazil, pressurising the victim to settle the matter outside the legal process.”¹¹

24. A copy of the complaint made by the brother of respondent No. 3 to the police station on 17.09.2025 has also been filed with the application filed before the Trial Court, which identifies only “A” as one of the assailants. He specifically sought legal action against “A” only. This allegation, thus, was directed only against “A”, and not against the petitioner. In the reply filed before this Court, however, it has been stated that the brother and father of respondent No. 3 were assaulted by “*associates of the petitioner*”. I am not inclined to rely upon this averment, which is not in line with the averment of the respondents in the application filed before the Sessions Court.

IV. Incident dated 30.10.2025

25. Respondent Nos. 2 and 3 have also referred to an incident dated 30.10.2025 in their reply before this Court. The said incident also finds mention in the impugned order of the Sessions Court. The allegation is that, when the matter was again listed before the Rohini Court, the petitioner and his associates threatened the victim. Reference has been made to NCR dated 30.10.2025. As far as this incident is concerned, the status report filed by Mr. Kumar before this Court includes a GD entry [GD No. 48, dated 31.10.2025], which states that no fight was found to

¹¹ Emphasis supplied.



have taken place at the site of the reported incident, and the number from which the PCR call was made was not functional.

26. Having regard to the judgments cited above on the circumstances in which bail can be cancelled, I find the material entirely inadequate to support the impugned order. The allegations were largely against “A”, and not against the petitioner. The reference to the incidents of 01.09.2025 and 30.10.2025 were also unverified, and the status report filed by the State does not reveal any material against the petitioner.

27. The Sessions Court recited the allegations, and noted that the threats to the victims were corroborated by the complaint dated 03.09.2025, and the NCR dated 30.10.2025. These were accepted with the observation that, “*there is no reason forthcoming as to why the victims will lodge false complaint*”. This reasoning is wholly insufficient, to deprive the petitioner of liberty which had been granted to him. The possibility of false complaints of such a nature cannot be brushed aside, with a general observation of this nature. No factual verification of the allegations was available before the Sessions Court. The impugned order does not disclose sufficient regard to the legal principles governing cancellation of bail, and proceeds on the basis of unverified allegations.

D. CONCLUSION

28. For the aforesaid reasons, the petition is allowed and the impugned order dated 15.12.2025 is set aside. It is directed that the petitioner will be released on bail in terms of the order dated 04.06.2025, and subject to the conditions contained therein. A fresh personal bond be executed by the petitioner in terms of the said order. I am informed that the surety which had been submitted by the petitioner in terms of the said order was



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verified and has not been discharged. If so, the same surety will be accepted for release of the petitioner in terms of this order.

29. It goes without saying that, in the event there is any fresh allegation that the petitioner has violated the condition on bail, it is open to the State, or to respondent Nos. 2 and 3, to move the Sessions Court with appropriate material at the appropriate stage.

30. In the event respondent Nos. 2 and 3 apprehend any threat when they are required to attend the Court in connection with the proceedings against the petitioner, they are at liberty to seek appropriate assistance from the concerned police station/IO of this case, who are directed to take action as may be necessary in accordance with law.

31. It is made clear that this Court has not made any observations on the merits of the case.

PRATEEK JALAN, J

FEBRUARY 11, 2026

'Bhupi' /AD/