

Misc No.769/2026
FIR No. 158/2025
PS Shaheen Bagh
U/s 311/351/(3)/3(5) BNS & 25/27 Arms Act
State Vs. Mohd. Danish & Ors.

01.06.2026

**ORDER ON THE APPLICATION
MOVED ON BEHALF OF STATE FOR SEEKING CANCELLATION OF BAIL
OF ACCUSED MOHD. DANISH**

Present : Sh. L.D. Singh, Ld. PP for State/applicant.
Accused Mohd. Danish produced from JC (on bail in the
present matter).
Sh. Sunder Lal, Ld. LADC for accused Mohd. Danish.

1. Today, matter is fixed for consideration on application moved on behalf of prosecution for seeking cancellation of bail of accused Mohd. Danish.

ARGUMENTS ON BEHALF OF STATE/APPLICANT

2. This is an application moved on behalf of State for seeking cancellation of bail of accused Mohd. Danish. It has been submitted that in the present matter upon the complaint of complainant Mohd. Raja, present FIR was registered on 30.05.2025. It has been alleged by the complainant that on 30.05.2025 at around 1 am while he was present at his hotel, accused Respondent Mohd. Danish, alongwith co accused Yasin Atta and Faizal came on motor cycle, entered in the hotel and put a pistol on the complainant's forehead and demanded money and upon refusal all the accused persons assaulted him, abused him and threatened him with dire consequences. Further, that accused robbed the complainant of his mobile phone and cash Rs.2,000/-. Subsequently, on

30.05.2025, both accused Mohd. Danish and Yasin Atta were arrested and co accused Faisal was arrested on 08.09.2025 the weapon of offences alongwith live cartridge was recovered.

3. It has been argued by Ld. Addl. PP for State / applicant that accused respondent Mohd. Danish is a habitual and a desperate offender having involvement in several cases and after being granted bail in the present matter on 29.10.2025, the accused / respondent Mohd. Danish committed another robbery and gave sharp injuries to the complainant in FIR No.411/2025 PS Shaheen Bagh u/s 309(6)/311 BNS. It has been argued that the accused has involvement in five similar offences and conduct of accused/respondent shows that he has violated the condition of bail and has no regard of law and further in all likelihood he may again indulge in similar criminal act.

ARGUMENTS ON BEHALF OF RESPONDENT/ACCUSED

4. On the other hand, it has been argued by Ld. LADC for accused respondent Danish that the accused/respondent has been falsely implicated in several matters and has no role to play in the FIR bearing no.411/2025 PS Shaheen Bagh registered on 22.12.2025. It has further been argued that the accused respondent was granted bail on 29.10.2025 and thereafter, was released on bail, and had abided by all conditions of bail, but has been falsely implicated and is already in JC in aforesaid FIR bearing no.411/2025 PS Shaheen Bagh and therefore, bail of accused/respondent Danish should not be cancelled. It is further argued that the accused/respondent has never attempted to contact, threaten, induce, or influence any prosecution witness. It is further argued that no

complaint has been filed by the Investigating Officer alleging any violation of bail conditions by the Respondent.

LAW PERTAINING TO CANCELLATION OF BAIL

5. Before proceeding further, the relevant law regarding cancellation of bail, needs to be mentioned here.

6. It is further argued in *Dolat Ram vs: State of Haryana, (1995) 1 SCC 349* has categorically held that "Very cogent and overwhelming circumstances are necessary for cancellation of bail already granted."

7. It is further settled that bail once granted should not be cancelled mechanically unless there is: a) Misuse of liberty by the accused; or b) Interference with the course of justice; or c) Attempt to tamper with evidence or influence witnesses; or d) Violation of bail conditions; or e) Existence of supervening circumstances.

8. It is further argued that *Hon'ble Supreme Court in Mahipal vs: Rajesh Kumar, (2020) 2 SCC 118*, has held that cancellation of bail can be justified only when the bail order is perverse, illegal or when the accused has misused the liberty granted.

9. It is further argued that in the *X vs. State of Telangana, (2018) 16 SCC 511*, the *Hon'ble Supreme Court* held that bail once granted cannot be cancelled merely because another view is possible, unless there exist supervening circumstances or misuse of liberty.

10. In the case titled *Daulat Ram Vs. State, 1995 (1) SCC 349*, Hon'ble Apex Court has held that "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 (*illustration and not exhausted*) 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 the material placed on record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be canceled 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 trial.”

CONCLUSION

11. So, above mentioned observations, clearly indicate that cancellation of bail, can be done by the court, only in some significant and overwhelming circumstances. It is not to be done in routine manner. It is the satisfaction of the court regarding the subsequent conduct of accused, which matters, for deciding such like applications. In the wake of above mentioned understanding of law of cancellation of bail, I am proceeding further. One of the essential condition, borne in mind by the court and which is recognized by law, while granting bail to a person, is that he will not influence prosecution witnesses and **shall not repeat the offence in future**.

12. In the present matter, accused Mohd. Danish was arrested and vide order dated 29.10.2025, was granted bail with conditions. As per the condition no.3 it was specifically stated "*accused will not repeat the offence in future*". However, once being released from JC, accused

again committed the same offence on 22.12.2025 and thereafter was arrested in FIR No.411/2025 PS Shaheen Bagh. The aforesaid conduct of accused is in clear violation of the conditions of bail. No ground for giving opportunity to the accused can be taken into consideration. Further, the accused/respondent Mohd. Danish is a habitual offender and therefore, in terms of his conduct, the bail granted to the accused / respondent Mohd. Danish S/o Sh. Nasim Ahmad stands cancelled.

Application stands disposed off accordingly.

Present miscellaneous application be attached with main file.

Information be sent to superintendent Tihar Jail with respect to the aforesaid order alongwith copy of order.

Order Dasti.

[Sheetal Chaudhary Pradhan]
ASJ-02, South-East/Saket/Delhi/01.06.2026 (vk)