

07.05.2026

Present: Sh. Vikas, Ld. Addl. PP for State.
Sh. Chirag Jamwal, Ld. Counsel for applicant through
VC.
None for non-applicant / accused.
Accused not yet produced from Agra Jail on production
warrants.

1. The present application for cancellation of bail has been filed against the the bail order dated 26.02.2026 of Ld. ACJM-02, PHC, NDD. As per the contents of the present cancellation of bail application, it is the claim of the applicant that the bail order dated 26.02.2026 is manifestly erroneous in so far as granting of bail by declaring the arrest of accused as illegal by the Ld. Trial Court.

2. It has been further stated in the present application that the Ld. ACJM-02, PHC, NDD had exceeded its jurisdiction by granting bail even without any formal bail application on behalf of accused. It has also been brought to the notice of the court by counsel for applicant that separate revision petition has also been preferred by applicant against the order dated 26.02.2026, whereby the applicant has made prayer of setting aside of order dated 26.02.2026 qua declaring arrest of accused as illegal and directing conducting of an inquiry against the IO of the case. It is however submitted that in the said revision petition order dated 26.02.2026 has not been sought to be set aside qua the aspect of grant of bail.

3. Be that as it may, perusal of the entire application shows

that the present application is not on the aspect that bail is to be cancelled on account of supervening circumstances that have taken place after grant of bail or violation of the bail conditions by the accused. In present application cancellation of bail has been sought on the ground that the grant of bail itself was illegal and unjustified in facts and circumstances of the present case. Counsel for applicant has submitted that cancellation of bail application has been filed as per provision of Section 483(3) BNSS.

4. No doubt as per section 483(3) BNSS, a Court of Session has power to set aside any bail order and direct arrest of accused. However, the said power is not to be exercised merely at the request of an applicant, rather through several case laws, it is now well-defined in what circumstances, cancellation of bail and directing re-arrest of accused can be ordered. Cancellation of bail application is preferred after violation of some conditions or on account of supervening circumstances that have taken place after grant of bail. In the instant case, the same is not the grounds for cancellation of bail as per own submissions of the counsel.

5. **The challenge to the impugned order as per the present application pertains to revision jurisdiction of the Court of Sessions as per section 438 BNSS.**

6. At this stage, counsel for applicant submits that present application may be treated as a revision petition in order to avoid any further delay in adjudicating the present dispute as the application is already pending since March 2026. **Accordingly, the present application for cancellation of bail is treated as a Revision Petition seeking setting aside of bail granted to the accused vide order dated 26.02.2026 of Ld. Trial Court.**

7. It is submitted by the counsel for applicant that the

connected revision petition i.e. Crl. Rev. 127/2026 is pending before Ld. ASJ-06, PHC, NDD and now listed for 06.07.2026. However, considering the urgency stated by the counsel for applicant that investigation is suffering on account of impugned order of granting bail, let the file be put up before Ld. Principal District & Sessions Judge, PHC, NDD for further appropriate orders on **12.05.2026 at 02.00 PM.**

(Deepti Devesh)
RosterJudge/ASJ/Spl.FTC/PHC/07.05.2026