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

Date of Decision: 19th August, 2026

CNR No. DLHC010119762026

+ **CRL.M.C. 2291/2026 & CRL.M.A. 16725/2026**

HARSH BHADANA @ MANISHPetitioner

Through: Mr. Mohit Mathur, Sr. Advocate with
Mr. Piyush Bhardwaj, Mr. Rajat
Rajoria Singh, Mr. Varun Bhandana,
Mr. Vikas Sharma, Mr. Rajesh
Mishra, Mr. Lakshay Kaushik,
Mr. Harsh Gautam, Mr. Vignesh,
Mr. Himanshu Kaushik and
Mr. Siddharth Kaushik, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Sunil Kumar Gautam, APP for the
State with SI Rahul, PS Sangam Vihar.
Mr. N.C. Sharma with Mr. Karanveer
Tyagi, Mr. Bhanu Pratap Singh and
Ms. Geeta, Advocates for respondent
No.2 with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition seeks cancellation of bail granted to respondent No.2 i.e. Atar Rehman @ Atwa by the learned Trial Court on 06.03.2026.
2. *Inter alia*, it has been argued from the side of petitioner i.e. complainant, that the impugned order is, primarily, based on misrepresentation and suppression of vital facts by the concerned accused. Learned Senior Counsel for the petitioner submits that in relation to the



abovesaid bail application, an undertaking had been filed by his counsel before the learned Sessions Court, wherein it was, specifically, mentioned by the counsel himself that accused (respondent No. 2 herein) was not involved in any other case. He submits that such undertaking is completely wrong and incorrect and has been filed with intent to prejudice the mind of the Court as the applicant is having various involvements, including one other case of murder which he had committed while inside the jail.

3. It is also submitted by learned Senior Counsel for petitioner that at the time of arguments on 06.03.2026, learned counsel for the accused had stated that on earlier occasion, accused had been granted interim bail and that he never misused such liberty.

4. It is argued by learned Senior Counsel for the petitioner that such statement is also wrong as, admittedly, in the year 2020 when the applicant had been enlarged on interim bail, he had misused such liberty as he had jumped the bail. So much so, when the police had gone to apprehend him, he attempted to shoot at the police party and such fact has also not been appropriately brought on record by accused when he had prayed for bail.

5. Learned counsel for respondent No.2 i.e. accused Atar Rehman @ Atwa submits that at the time of arguments on the abovesaid bail application, the State was duly represented and even the counsel for the complainant had appeared and, therefore, there was never any misrepresentation or suppression of facts and the Court had granted bail while keeping in mind all the facts and circumstances and also the fact that the incarceration period was already of eight years.

6. Fact, however, remains that the undertaking given by counsel for the accused was containing incorrect facts. Moreover, the affidavit which had



been filed by his *paikar* was vague and unspecific.

7. During course of the arguments, Mr. Sharma, learned counsel for respondent No.2, without prejudice to his rights and contentions, submits that respondent No.2/accused would surrender before the Jail Authorities on 23.08.2026 by 4:00 pm. He submits that learned Trial Court may be requested to reconsider the bail application.

8. The abovesaid statement/assurance given by learned counsel for respondent No.2, which is as per the instructions of respondent No.2, who is also present in Court, is taken on record.

9. In view of the above and keeping in mind the given facts, the petition is allowed and the abovesaid order dated 06.03.2026 is set aside with the direction to respondent No. 2 to surrender on or before 23.08.2026. After such surrender, the learned Trial Court/Sessions Court would take up the abovesaid bail application for consideration afresh.

10. Needless to emphasize, accused would be required to submit fresh affidavit in terms of the directions given by the Hon'ble Supreme Court in *Zeba Khan Vs. State of U.P. & Others*: 2025 SCC OnLine SC 3127. Learned Trial Court would also call for fresh Nominal Roll of accused from the Jail Authorities and would decide the abovesaid application.

11. It is, however, clarified that this Court has not made any observations touching the merits of the case and, therefore, observation made hereinabove shall not prejudice the mind of the learned Trial Court, either way. The Court is conscious about the long incarceration period of respondent No.2/accused but it will be entirely upto the learned Trial Court to pass appropriate orders after giving due opportunity of hearing to both the sides.

12. Petition stands disposed of in aforesaid terms.



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13. Pending application also stands disposed of.
14. A copy of this order be sent to learned Trial Court for information.
15. A copy of this order be also sent to Superintendent Jail for information
16. Copy of the order be given *dasti* under signatures of Court Master.

(MANOJ JAIN)
JUDGE

AUGUST 19, 2026/st/sk