IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 2381 OF 2025
(ARISING FROM SLP (CRL) NOS. 1632 OF 2025)

SANJAY KUMAR JANGID & ANR. ...APPELLANT(S)

VERSUS

MUKESH KUMAR AGARWAL & ANR. ...RESPONDENT(S)

O R D E R

1. Leave granted.

2. The instant appeal has been preferred by the accused-appellants against the judgment and order dated 03.12.2024 passed by the High Court of Judicature for Rajasthan under Section 439(2) of the Code of Criminal Procedure, 1973[1] in S.B. Criminal Bail Cancellation Application No. 73/2022 wherein the High Court cancelled the regular bail which was granted to the appellants *vide* order dated 22.03.2022.

3. Brief facts of the case are that the present matter pertains to FIR No. 854/2021 dated 15.11.2021 registered at P.S. Mansarovar, Jaipur City under sections 420, 406, 467, 468,

1 CrPC

471, 447 and 120B of the Indian Penal Code, 1860[2] lodged at the behest of Mukesh Kumar, i.e. respondent no. 1 herein, against Raj Rani Mittal, Deepak Jangid, Rahul Jangid, Dontesh Jangid i.e. appellant no. 2 herein, and other.

4. The instant appellants were arrested on 03.02.2022 during the investigation, and thereafter, the chargesheet was filed on 21.03.2023 for the offences mentioned in the FIR. On the basis of the investigation, it was found that as a part of the housing scheme named Padam Vihar, Plot No. A-56 was allotted to the respondent no. 1 by the society on 29.11.2014. The respondent no. 1 was not regularly residing at the said plot, and on one of the occasions when he was visiting the said plot, he came to know that one Deepak Jangid, who lives near the said plot, in connivance with one Raj Rani Mittal, has hatched a conspiracy and dishonestly got the said plot registered in his name and submitted fake documents to the Jaipur Development Authority[3].

5. It was further alleged that the accused persons, in connivance with the JDA officials, got the lease issued in

2 IPC

3 JDA

their name. The *modus operandi* adopted by the accused persons was that they, with the help of one Jitendra Kumar Kashyap, prepared fake documents and approached Raj Rani Mittal, who was reflected to be the purported owner of the plot in question as per some old documents. Thereafter, the accused Rahul Jangid got an agreement prepared in the name of Raj Rani Mittal and Deepak Jangid dated 14.09.2021, transferring the said plot to Deepak Jangid. Further, Rahul Jangid also got another document in the nature of a General Power of Attorney[4] prepared, thereby appointing himself as the attorney holder of Raj Rani Mittal on 14.09.2021. The said GPA was notarized in Jaipur on 16.09.2021 in the presence of the instant appellants.

6. Therefore, the role that was attributed to the appellants herein was that since they were witnesses to the said GPA and also related to the other accused persons, therefore, they were an intricate part of the entire conspiracy. Another allegation against the instant appellants is that it was in their presence that the registry of the said plot was done on 19.10.2021, based on forged documents.

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4 GPA

7. The present appellants were granted regular bail by the High court, *vide* order dated 22.03.2022, mainly based on the ground that the trial may take long time to conclude and it is just and proper to release the accused persons (appellants herein) on bail in the meanwhile.

8. Consequently, respondent no. 1, i.e. the complainant, filed the Bail Cancellation Application No. 73/2022 under Section 439(2) of the CrPC seeking cancellation of the regular bail granted to the appellants. The High Court, *vide* order dated 29.03.2023, dismissed the bail cancellation application.

9. Aggrieved by the order dated 29.03.2023, respondent no. 1 filed a Special Leave Petition (Criminal) No. 8357 of 2023 before this Court which, on admission, got converted into Criminal Appeal No. 1293 of 2024. This Court, *vide* order dated 01.03.2024, set aside the High Court's order dated 29.03.2023 on account of it being cryptic and non-speaking, and remitted the matter back to the High Court with directions to give detailed reasons for the dismissal of the bail cancellation application.

10. Accordingly, the Bail Cancellation Application No. 73 of 2022 preferred by the respondent no. 1 was restored before

the High Court for fresh consideration, wherein the High Court, *vide* order dated 03.12.2024, allowed the Bail Cancellation Application No. 73 of 2022, and cancelled the regular bail granted to the appellants herein, mainly on the grounds of abuse of liberty granted and post-release conduct of the appellants.

11. The High Court held that securing the presence of the accused before the Court had become a hard task in itself and reflects the abuse of liberty granted to the accused persons. Further, it was observed that a number of cases have been lodged against the accused persons post their release on bail, amongst which one relates to making an assault over the police party who had gone to apprehend the accused, speaks volumes about the post-bail conduct of the accused persons. The criminal antecedents of the accused were also considered as a factor in cancelling the bail.

12. Aggrieved by the impugned order dated 03.10.2024, the appellants are before us.

13. We have heard Mr. Vinay Navare, learned Senior Counsel for the accused-appellants, Mr. Siddharth Dave, learned Senior Counsel appearing for the respondent-complainant

and learned Counsel for the State of Rajasthan. We have also perused the material on record.

14. The Counsel for the appellant has vehemently contended that in all the subsequent FIRs as alleged by the complainant, the accused-appellants are either not even named as an accused or if named at the initial stage, no chargesheet has been filed against them. Therefore, merely because some FIRs have been registered against the other co-accused persons, the benefit of bail extended to the present appellants ought not to have been negated.

15. On the other hand, the Counsel for the respondent-complainant as well as for the State have submitted that after the grant of bail, the appellants and their family members have illegally trespassed into the property of the respondent no. 1, have stolen the DVDR camera etc. and beat the police officials on duty during investigation, thereby clearly exhibiting rowdy conduct of the accused persons while on bail. Further, it was submitted that the appellants repeatedly indulged in committing new offences while on bail which also led to registration of FIR No. 11/2023 dated 23.01.2023 under Sections 143, 332, 353 of the IPC amongst others.

16. The jurisprudence surrounding cancellation of bail under Section 439(2) of the CrPC is very clear as to that bail once granted should not be cancelled in a mechanical manner unless any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to enjoy the concession of bail during the trial[5]. The grounds for cancellation of bail as illustrated in **Raghubir Singh v. State of Bihar[6]** and reiterated in **Aslam Babalal Desai v. State of Maharashtra[7]** broadly lay down the grounds on which a bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vii) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. These grounds are illustrative and not exhaustive. It has also been echoed in various judgments that rejection of bail stands on a different platform as

5 Dolat Ram & Ors. v. State of Haryana, (1995) 1 SCC 349

6 (1986) 4 SCC 481

7 (1992) 4 SCC 272

compared to cancellation of bail which is considered to be a harsh order as it interferes with the liberty of an individual, and hence, it must not be lightly resorted to.

17. A perusal of the record makes it apparent that even though multiple FIRs have been lodged against the co-accused persons after the appellants' release on bail, i.e. on 22.03.2022, the names of the instant appellants have not been mentioned in most of these FIRs, nor any allegation has been levied against the appellants. It is only in FIR No. 11/2023 dated 23.01.2023 under Sections 143, 332 and 353 of the IPC that the appellants have been named. However, even in the said offence, after due investigation, chargesheet was filed on 10.07.2024, wherein the appellants were not charge-sheeted. Therefore, merely because subsequent FIRs have been registered against the other co-accused persons, it does not become a valid or fair ground to seize the liberty of bail that has been extended to the appellants herein. The exercise of cancellation of bail is a strict one, and needs to be executed in a restrictive manner, only when the circumstances demand for it. Considering the facts and circumstances of the case, we feel that the instant case is not a fit one to employ the

provisions of cancellation of bail and curb the appellants' liberty.

18. Accordingly, the instant appeal is allowed, and the impugned order dated 03.12.2024 is set aside. We also hereby direct expeditious disposal of the trial pending before the Court of Magistrate, in connection with FIR No. 854/2021 registered at P.S. Mansarovar, District Jaipur for the offence(s) under Sections 420,406, 467, 468, 471 and 120B of the IPC, within eights months from the receipt of this order.

19. Pending application(s), if any, shall stand disposed of.

..... .J.
[VIKRAM NATH]

..... .J.
[SANDEEP MEHTA]

NEW DELHI;
MAY 02, 2025.

ITEM NO.2 COURT NO.5 SECTION II

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1632/2025
[Arising out of impugned final judgment and order dated 03-12-2024 in SBCRBCA No. 73/2022 passed by the High Court of Judicature for Rajasthan at Jaipur]

SANJAY KUMAR JANGID & ANR. Petitioner(s)

VERSUS

MUKESH KUMAR AGARWAL & ANR. Respondent(s)

IA No. 28242/2025 - EXEMPTION FROM FILING O.T.

Date : 02-05-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :
Mr. Abhishek Gupta, AOR
Mr. Deepak Chauhan, Adv.
Mr. Nikhil Kumar Singh, Adv.
Mr. Praful Shukla, Adv.

For Respondent(s) :
Mr. Siddharth Dave, Sr. Adv.
Mr. Ardhendmauli K Prasad, Sr. Adv.
Mr. B S Rajesh Agrajit, Adv.
Ms. Jyoti Rana, Adv.
Ms. Priya Nagar, Adv.
Mr. Siddharth Goswami, Adv.
Ms. Meetu Goswami, Adv.
Mr. Shyamal Kumar, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Mr. Divynk Panwar, Adv.
Ms. Vidhanshi Kamaliya, Adv.
Ms. Nidhi Jaswal, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN) **(RANJANA SHAILEY)**
ASSISTANT REGISTRAR-CUM-PS **ASSISTANT REGISTRAR**

[Signed order is placed on the file]