



of the Indian Penal Code, 1860 (for short, 'IPC'), Section 27 of the Arms Act and Section 3(2)(v) of the said Act.

**4.** The appellant had preferred an application before the learned Sessions Judge for grant of bail. However, the same was rejected on 5<sup>th</sup> July 2022. Aggrieved thereby, the appellant filed an appeal before the High Court.

**5.** As stated hereinabove, the learned Single Judge of the High Court vide first impugned order dated 8<sup>th</sup> December 2022, directed release of the appellant herein on bail on certain terms and conditions. Vide second impugned order dated 15<sup>th</sup> February 2023 passed by the same learned Single Judge of the High Court, an application for modification of the order dated 8<sup>th</sup> December 2022 came to be rejected. However, by the second impugned order, the High Court had directed the Registrar General of the High Court to enquire into the matter.

**6.** It appears that the Registrar General conducted an inquiry and placed the same before the learned Judge. Upon consideration of the report, the High Court vide third impugned order dated 25<sup>th</sup> August 2023 recalled its earlier order granting bail and dismissed the appeal as withdrawn.

**7.** A perusal of the impugned orders would reveal that the factor that weighed with the learned Judge of the High Court was that the appellant had suppressed certain materials with regard to criminal antecedents and therefore was not entitled to the equitable relief.

**8.** We have heard Shri Ganesh Khanna, learned counsel appearing for the appellant and Shri Anshul Narayan, learned counsel appearing for the respondent/State.

**9.** Shri Ganesh Khanna, learned counsel, submits that the appellant had no intention of suppressing the material from the Court. He submits that from the chart, it would reveal that in the cases which are treated as criminal antecedents either the appellant has been released on bail or a closure report has been filed.

**10.** Shri Anshul Narayan, learned counsel for the respondent/State vehemently opposed the appeal. He submits that the learned Judge of the High Court has correctly recalled the order granting bail, inasmuch as concealment of material factors is an important factor which disentitles the appellant of any equitable relief. According to the learned counsel, though closure report was filed in this

case as well, the Court proceeded to take cognizance.

**11.** We have perused the materials placed on record and specifically the material which involves the appellant herein. We do not wish to observe anything about the merits or demerits of certain material as it may adversely affect the trial.

**12.** However, the perusal of the orders passed by the learned Single Judge would reveal that vide order dated 8<sup>th</sup> December 2022 the learned Single Judge, after considering the material, had *prima facie* come to the conclusion that the appellant was entitled to grant of bail.

**13.** Subsequently, though an application was filed for modification by the complainant, the same was rejected. While rejecting the prayer for modification, the learned Judge however *suo motu* directed that an inquiry is to be conducted and on the basis of the said inquiry the learned Judge recalled his earlier order granting bail.

**14.** We find that since there was not even an allegation by the Investigating Agency that the appellant has violated any of the conditions which were imposed while granting bail or that he was misusing the liberty granted to him, it was not

correct on the part of the learned Single Judge to recall its earlier order granting bail.

**15.** In that view of the matter, we are inclined to set aside the orders dated 15<sup>th</sup> February 2023 and 25<sup>th</sup> August 2023 and restore the order dated 8<sup>th</sup> December 2022 granting bail.

Ordered accordingly.

**16.** The appeals are, accordingly, allowed.

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

.....**J.**  
**(B.R. GAVAI)**

.....**J.**  
**(K. V. VISWANATHAN)**

**NEW DELHI;**  
**DECEMBER 10, 2024.**