



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201+202

Decided On: 10.09.2025

1. CRM-M-36943-2024(O&M)
2. CRM-M-36950-2024(O&M)
3. CRM-M-36941-2024(O&M)
4. CRM-M-41112-2024 (O&M)

STATE OF HARYANA

....PETITIONER(s)

Versus

MAMMAM KHAN

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

Mr. R. S. Cheema, Senior Advocate with
Mr. Siddharth Bhukkal, Advocate and
Mr. Satish Sharma, Advocate for the respondent(s).

TRIBHUVAN DAHIYA J.(Oral)

CRM-19579-2025 and CRM-16493-2025,
CRM-19577-2025 and CRM-16492-2025,
CRM-19578-2025 and CRM-16494-2025,
CRM-19591-2025 and CRM-16495-2025

For the reasons stated in the applications, the same are allowed.
Additional affidavits and replies on behalf of the respondent(s) are taken on
record, subject to all just exceptions.

Main Cases

These petitions have been filed seeking cancellation of bail
granted to the respondent(s) in four different cases, (i) FIR no.148, dated
01.08.2023, under Sections 148, 149, 153-A, 379-A, 395, 427, 506, 107, 201,
120-B, 180 IPC, registered at Police Station Nagina, Nuh; (ii) FIR no.137,



dated 01.08.2023, under Sections 148, 149, 153-A, 379-B, 427, 435, 201, 180, 107, 120-B, 395, 397 IPC, at Police Station Nagina, Nuh; (iii) FIR no.150, dated 01.08.2023, under Sections 148, 149, 153-A, 379-A, 436 IPC (Sections 201, 395, 427, 120-B, 506, 107, 108 IPC added later), at Police Station Nagina, Nuh; and (iv) FIR no.149, dated 01.08.2023, under Sections 148, 149, 153-A, 379-A, 436, 506 IPC (Sections 201, 395, 427, 120-B, 107, 180 IPC added later), at Police Station Nagina, Nuh. In two of the cases, the petitioner was granted bail vide order dated 30.09.2023 and in the other two on 18.10.2023. The allegations pertain to the riots that took place in Nuh from 29.07.2023 to 31.07.2023. He was nominated as an accused on a disclosure statement made by one co-accused Tofiq that he had distributed ₹500 each in public gathering asking the people to indulge in riots and also provided drugs to them.

2. Learned State counsel contends that the grounds of seeking cancellation of bail are gravity of the offences alleged and the apprehension that the respondent, who is a sitting MLA, will threaten the witnesses. She, however, is unable to point out any specific instance of the respondent threatening any of the witnesses after having been released on bail in these cases. Also, she is also unable to explain as to why only cancellation of respondent's bail has been sought, though thirty-nine other co-accused alleged to have committed the same offences are already on bail, and in their cases no cancellation has been sought on account of gravity of the offences.

3. Learned senior counsel for the respondent(s) contends that the law with regard to cancellation of bail stands settled by the Supreme Court in



Himanshu Sharma v. State of Madhya Pradesh, (2024) 4 SCC 222, by holding as under:

11. Law is well settled by a catena of judgments rendered by this Court that the considerations for grant of bail and cancellation thereof are entirely different. Bail granted to an accused can only be cancelled if the Court is satisfied that after being released on bail:

- (a) the accused has misused the liberty granted to him;
- (b) flouted the conditions of bail order;
- (c) that the bail was granted in ignorance of statutory provisions restricting the powers of the Court to grant bail;
- (d) or that the bail was procured by misrepresentation or fraud. ...

In the instant case, none of the conditions aforementioned has been satisfied which could entitle the petitioner/State to seek cancellation of bail.

4. In view thereof, there is no merit in these petitions, and the same stand dismissed.

5. Pending miscellaneous application(s), if any, also stand(s) disposed of.

6. A photocopy of this order be placed on the connected files.

(TRIBHUVAN DAHIYA)
JUDGE

10.09.2025

Ad

Whether speaking/reasoned?

Whether reportable?

Yes/No

Yes/No