



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

22

CRM-M No.10316 of 2022
DATE OF DECISION : 5th FEBRUARY, 2025

Vijay Kumar Singh

.... Petitioner

Versus

State of Punjab & another

.... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

* * * *

Present : Mr. Vishal Thakur, Advocate for the petitioner.
Mr. Navdeep Singh, DAG, Punjab.
Mr. Rajesh Gupta, Advocate for respondent No.2.

* * * *

MANJARI NEHRU KAUL, J. (Oral)

Prayer in the instant petition filed under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. for cancellation of regular bail granted to respondent No.2/accused vide order dated 08.04.2024 (Annexure P-1) in case FIR No.53 dated 20.03.2024 under Section 306 IPC registered at Police Station Division No.6, District Ludhiana.

2. At the outset, learned counsel for the petitioner (hereinafter referred to as complainant) was specifically queried as to whether respondent No.2 (hereinafter referred to as accused) had misused the concession of bail, violated any condition imposed by the Trial Court, or had been involved in any subsequent crime, warranting the cancellation of bail. In response, learned counsel for the complainant categorically stated that although the accused had not engaged in any other misconduct, however, the counsel alleged that the accused had been threatening and pressurizing the complainant to enter into compromise.



3. When questioned further as to whether any complaint or report had been lodged with the police regarding such alleged threats or coercion, learned counsel for the complainant was unable to specify any particular instance of such threats. Moreover, he admitted that no formal complaint had been registered with the Police in this regard.

4. In addition, learned counsel for the petitioner contended that the learned trial Court, while granting bail, failed to consider the seriousness of the allegations, particularly the suicide note left behind by the deceased, which allegedly attributed mental harassment by accused as the cause for taking his own life. It was argued that an audio recording found on the mobile phone of the deceased further corroborated this claim. Learned counsel submitted that the accused had business dealings with the deceased and had breached contractual obligations, which led to circumstances compelling the deceased to commit suicide.

5. *Per contra*, learned counsel for the accused opposed the prayer and submissions made by the counsel opposite. He argued that there had been no misuse of bail conditions by the accused. He also submitted that the petitioner had fabricated allegations of threats solely to seek cancellation of bail. Learned counsel further contended that the essential ingredients of the offence under Section 306 IPC were not made out, as no direct or proximate abetment to suicide was attributable to the accused. He also asserted that the case of the prosecution primarily hinged on the suicide note, which had already been included in the challan, and, therefore, there was no likelihood of the accused tampering with the evidence.



6. Learned State counsel was also specifically questioned regarding any complaint or representation filed by the complainant about the alleged threats or coercion. Upon instructions, learned State counsel confirmed that no such complaint had been lodged. Furthermore, it was brought to the notice of the court that the charge-sheet had already been filed, charges had been framed, and the trial was now at the stage of prosecution evidence.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. It is well settled that once bail has been granted to an accused, it can only be cancelled if the accused, after being released, engages in conduct that obstructs the course of justice, such as intimidating witnesses, tampering with evidence or violating conditions imposed by the Court. If the accused, after securing bail is involved in another criminal offence it constitutes a valid ground for cancelation; if the order granting bail is found to be perverse, based on irrelevant considerations, or passed in ignorance of material facts, it can be revisited or if any new facts or developments that substantially impact the fairness of the trial come to light, it may justify cancelation of bail.

9. Importantly, bail is not meant to be punitive but is a mechanism to ensure the presence of the accused during trial. The presumption of innocence remains in favour of the accused and bail can be cancelled only when the circumstances demonstrate that the liberty of the accused poses a serious risk to the administration of justice.



10. In the present case, the complainant has failed to bring to the notice of this court any of the above supervening circumstances. There is no material brought-forth that the accused has misused his liberty, influenced witnesses, or obstructed the trial in any manner. The allegations of threats and coercion remain vague and unsubstantiated with no corresponding complaint made to the police. Furthermore, the decision of the trial court to grant bail was based on its appreciation of facts and material available at that stage. Mere disagreement with the reasoning given by the trial court does not warrant interference unless order suffers from illegality or perversity, which is not the case here.

11. Given the absence of any supervening circumstance, justifying interference, this Court finds no cogent ground to accept the prayer of the petitioner/complainant and cancel the bail granted to respondent No.2/accused. Accordingly the present petition stands dismissed.

12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

5th February, 2025
'raj'

(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>