

**CRM-M-40598-2024**

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210**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-40598-2024**

Date of Decision:- 22.09.2025

Bxxx

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Ranwant Singh Sangha, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

None for respondent No. 2.

AMARJOT BHATTI, J.(Oral)

1. Petitioner 'Bxxx' has filed petition under Section 483(3) read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for cancellation of bail in FIR No. 106 dated 15.06.2023 under Section 376/384 of IPC registered at Police Station City 2 Khanna (Annexure P-1), whereby respondent No. 2 was granted bail by this Court vide order dated 15.09.2023 (Annexure P-2), since respondent No. 2 has misused the concession of bail granted in his favour, with further prayer to set aside impugned order dated 03.08.2024 (Annexure P-5), whereby trial Court has declined her application for cancellation of bail without considering the police inquiry report dated 09.05.2024 (Annexure P-4) or any other order which the Court may deem fit in the present case.

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2. Learned counsel for petitioner argued that on the statement of petitioner, FIR No. 106 dated 15.06.2023 (supra) (Annexure P-1) was registered. Respondent No. 2 had filed regular bail application in the Court of Additional Sessions Judge, Ludhiana which was declined and thereafter he approached this Court for regular bail in CRM-M-45113-2023, which was allowed on 15.09.2023 (Annexure P-2). Challan in this case was presented and case was pending for prosecution evidence in the Court of Additional Sessions Judge (Fast Track Special Court), Ludhiana. Respondent No. 2 in utter violation to the conditions of bail as provided under Section 437(3)(c) of Cr.P.C. started threatening the petitioner and material witnesses so that their evidence may not be recorded. Respondent No. 2 followed petitioner, called her and sent her messages through unknown persons. On 23.09.2023, respondent No. 2 alongwith one Major Singh followed her when she had gone to bring milk at Bullepur Road, Galwadi. A complaint was lodged with SHO of Police Station City-2, Khanna and inquiry was conducted. Complaint dated 02.04.2024 is Annexure P-3 and report of Inquiry Officer is Annexure P-4. She also filed application for cancellation of bail which was wrongly dismissed vide order dated 03.08.2024 (Annexure P-5). A representation was given to SSP, Khanna (Annexure P-6). Kalandra was presented under Section 126/169 of BNSS, 2023 (Annexure P-7). Inquiry Report dated 21.03.2025 is Annexure P-8. It is pointed out that despite aforesaid factual position, application filed by petitioner for cancellation of bail was wrongly declined by the trial Court. Respondent No. 2 is interfering in the trial and giving threats to petitioner and material witnesses. Therefore, he is interfering in



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progress of trial. Thus, it is prayed that regular bail granted in favour of respondent No. 2 may kindly be cancelled by accepting present petition.

3. Notice was issued to respondent No. 2. Mr. Atul Kumar, Advocate appeared and filed Memorandum of Appearance on behalf of respondent No. 2 and thereafter, sought adjournment to file his Power of Attorney. Thereafter, learned counsel for respondent No. 2 stopped appearing despite given intimation about the date fixed in this case through Registry.

4. Status report has been filed confirming the registration of FIR and presentation of challan before the trial Court on 11.08.2023. Charges have been framed against respondent No. 2 on 04.10.2023. Five prosecution witnesses have been examined and case is pending for remaining prosecution evidence. It is confirmed that petitioner had filed application dated 27.04.2024 addressed to SHO, Police Station City-2, Khanna against respondent No. 2. Regarding the facts narrated in application, matter was inquired. As per conclusion report, contents of application were found to be correct and petitioner was also provided security. As per status report, it is positively confirmed that petitioner has apprehension from respondent No. 2, as a result, cancellation of bail in favour of respondent No. 2 was recommended.

5. I have considered the aforesaid factual position. Respondent No. 2 was granted regular bail vide order dated 15.09.2023 passed in CRM-M-45113-2023 (Annexure P-2). Respondent No. 2 is facing trial in FIR No. 106 dated 15.06.2023 registered under Section 376, 384 of IPC at Police Station City-2, Khanna (Annexure P-1). As per status report, challan

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is already presented. Charge-sheet is prepared and prosecution evidence is being recorded. After the grant of regular bail to respondent No. 2, petitioner filed complaint dated 02.04.2024 (Annexure P-3) addressed to DSP, Khanna. Report of Inquiry Officer is Annexure P-4. It was confirmed that respondent No. 2 followed the petitioner and created fear in her mind. She approached the trial Court for cancellation of bail, which was declined by Additional Sessions Judge (Fast Track Special Court), Ludhiana vide order dated 03.08.2024 (Annexure P-5). On the basis of complaint filed to SSP, Khanna (Annexure P-6), Investigating Agency presented Kalandra under Section 126/169 of BNSS, 2023 (Annexure P-7). On filing of present petition, notice was served upon respondent No. 2 and Mr. Atul Kumar, Advocate had also filed Memorandum of Appearance, but thereafter he did not put his appearance. Once respondent No. 2 was granted concession of regular bail in the present case, he was not to misuse his liberty and concession granted in his favour. In return he started giving threats to petitioner directly and indirectly. As per the report of Inquiry Officer, it was confirmed that respondent No. 2 followed petitioner to create fear in her mind. Conduct of respondent No. 2 clearly indicates that he misused the concession of regular bail in his favour and interfered in fair trial which is going on in FIR No. 106 dated 15.06.2023 (supra) (Annexure P-1). Respondent No. 2 did not feel the necessity to appear in Court to present his own version. Therefore, considering the aforesaid factual position, I find merits in petition filed by petitioner and same is, accordingly, allowed and bail already granted in favour of respondent No. 2-Rohit Arora vide order dated 15.09.2023 passed in CRM-M-45113-2023 (Annexure P-2)

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stands cancelled. Trial Court is directed to issue process against respondent No. 2 for compliance of this order. Copy of this order be also sent to concerned trial Court.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

22.09.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No