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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.31301 of 2024
Date of Decision: 04.03.2025
Reserved on: 25.02.2025**

Harminder Singh ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Dhawan, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Nikhil Chopra, Advocate,
for respondent No.2.

MANISHA BATRA, J.

1. The instant petition has been filed under Section 439 (2) of the Code of Criminal Procedure (which is pari materia with Section 483 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023) by the petitioner seeking cancellation of benefit of regular bail as granted to the respondent No.2 by order dated 09.05.2024 by the Court of learned Additional Sessions Judge, Jalandhar in case arising out of FIR No.174 dated 11.08.2023 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Navi Baradari, District Police Commissionerate Jalandhar.

2. Brief facts of the case relevant for the purpose of disposal of

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this petition are that the present petitioner had filed a complaint against the respondent No.2 before the jurisdictional Magistrate Jalandhar. Vide order dated 24.05.2022 passed in that complaint, the respondent No.2 was ordered to be summoned to face trial for commission of offences punishable under Sections 295-A, 298 and 506 of IPC. The respondent No.2 had surrendered before the Court and made prayer for extending benefit of bail which was granted to her vide order dated 09.08.2022. The respondent No.2 furnished personal as well as surety bonds before the concerned Court. Subsequently, the present petitioner moved an application in the aforementioned complaint making prayer for registration of FIR against the respondent No.2 on the allegations that the surety as well as identifier of the surety had impersonated some other persons, in connivance with the respondent No.2 and had furnished bonds by impersonating them as such. The learned Magistrate passed order for registration of FIR against the respondent No.2 and other involved persons and accordingly the FIR No.174 dated 11.08.2023 had been registered.

3. The respondent No.2 moved application for grant of anticipatory bail in the aforementioned FIR No.174. The prayer made by her had been declined by the Court of learned Additional Sessions Judge, Jalandhar as well as by this Court. The respondent No.2 then surrendered and was taken into custody. She was released on bail by the impugned order (Annexure P-13), as passed by the Court of learned Additional Sessions Judge, Jalandhar.

4. The petitioner is seeking cancellation of the impugned order on

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the grounds that the same had been passed by the learned Additional Sessions Judge without appreciating the crucial facts of the case and without taking into consideration the act and conduct of the respondent No.2 as well as the gravity of the allegations as levelled against her. It is, therefore, argued that the impugned order is liable to be set aside, the petition deserves to be accepted and further that the respondent No.2 is liable to be taken into custody in the FIR No.174 during the period of trial.

5. Reply has been filed by the respondent No.1-State. Learned Assistant Advocate General, Punjab submitted that the respondent No.2 had surrendered in the Court. She had been arrested and had been extended benefit of regular bail. The trial is pending. No ground has been made out for allowing the petition and, therefore, it has been urged that the same is liable to be dismissed.

6. The respondent No.2 filed a separate reply. Her counsel has argued that she has not misused the concession of bail as granted to her. No ground has been made out for cancellation of the bail order as passed in her favour and, therefore, it was argued that the petition is liable to be dismissed.

7. Learned counsel for both the parties have been heard at considerable length.

8. At the outset, this Court considers it proper to mention that the well established principles governing the grant of bail are that the Court should consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence and likelihood of fleeing justice. Simultaneously, the principle

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governing the cancellation of bail are that such cancellation requires cogent and overwhelming circumstances and the same can be revoked, if the order granting bail has ignored relevant material available on record. The Apex Court in an authoritative pronouncement cited as **State through Delhi Administration v. Sanjay Gandhi**, AIR 1978 Supreme Court 961, had observed the cancellation of bail necessarily involves review of a decision already made and could by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial. It is also well settled that the cancellation of bail is altogether different from an order of rejection of bail. In **Dolatram v. State of Haryana**, (1995) 1 SCC 349, the Hon'ble Supreme Court had observed that cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail, already granted, some of which are interference or attempt to interfere with the due course of administration of justice or evasion of attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. It was held that the satisfaction of the Court, on the basis of material placed on the record or possibility of the accused absconding is yet another reason justifying the cancellation of bail. It was further observed that bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.

9. Reliance can also be placed upon **Myakala Dharmarajam v.**

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The State of Telangana, (2020) 2 SCC 743 wherein the Apex Court has made the following observations:-

“It is trite law that cancellation of bail can be done in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice. If the court granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail.”

10. In the judgment dated 22.04.2022 passed in Criminal Appeal No.658 of 2022 (arising out of SLP (Crl.) No.27 of 2022) titled as **Imran v. Mr. Mohammed Bhava and another**, the Hon’ble Supreme Court observed that bail can always be revoked if the relevant material on record, gravity of the offence or its societal impact have not been considered by the Lower Court. Where bail is granted in a mechanical manner, the order granting bail is liable to be set aside. Similar proposition of law had been laid down in **Dataram Singh v. State of Uttar Pradesh**, (2018) 3 SCC 22 and **Central Bureau of Investigation, Hyderabad v. Subramani Gopalakrishnan**, (2011) 5 SCC 296.

11. The proposition of law as laid down in the above discussed cases is that the discretion to cancel bail is to be exercised by the Court only if the order qua grant of bail smacks of arbitrariness, capriciousness or perversity or on being satisfied on the basis of record that the accused has actually misused such liberty. In the instant case, the respondent No.2 has been booked for commission of offences punishable under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC which are triable by Magistrate.

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The respondent No.2 had surrendered before the Court on 15.04.2024 and was ordered to be released on 09.05.2024. It is not the case of the petitioner that she had misused any term and condition for grant of bail. After being released on bail, she is not shown to have committed any such act or conduct amounting to evasion or attempt to evade the due course of justice or abuse the concession of bail granted to her.

12. The learned trial Court had passed order for grant of bail keeping in view the nature of accusations, the severity of the punishment and the period of her incarceration. Neither it is pleaded by the petitioner in the petition nor it is made out from the record that there was any reasonable apprehension of tampering with the evidence or extension of threat on the part of the respondent No.2 against the petitioner, if she is allowed to remain on bail. No cogent or overwhelming circumstance required for cancellation of bail is made out from the allegations as levelled by the petitioner. The grounds as taken in the petition seeking cancellation of bail do not enumerate the principles which have to be considered for revocation of such benefit. Having regard to all the above discussed facts and circumstances, the nature of the allegations and accusations as levelled against the respondent No.2, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

04.03.2025

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**(MANISHA BATRA)
JUDGE**Whether speaking/reasoned
Whether reportableYes/No
Yes/No