

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

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**CRM-M-52570-2024 (O&M)**

**Date of Decision: 17.07.2025**

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Parkash Dogra

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

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**CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL**

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Present: Mr. KS Kahlon, Advocate for the petitioner

Mr. Rajiv Verma, DAG Punjab

Mr. Amit Chaudhary, Advocate for respondent No.2

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**Sandeep Moudgil, J.**

(1). By way of instant petition jurisdiction of this Court has been sought to be invoked under Section 439(2) Cr.P.C. for cancellation of regular bail granted to respondent No.2 vide order dated 30.05.2022 passed by this Court in case FIR No.501, dated 18.09.2021, under Sections 409, 465, 466, 467, 468, 471, 120-B of the IPC, 1860 and Section 82 of the Registration Act, 1908 (Section 420 of IPC, 1860 added later on) registered at Police Station (Baltana) Zirakpur, District SAS Nagar, Mohali.

(2). Learned counsel for the petitioner contends that in the prevailing situation, the respondent NO.2 Simran Singh has been found misusing his liberty by indulging in similar criminal offence which has culminated into registration of FIR No.1 dated 05.01.2024 under Sections 420/465/467/468/471/448/120-B, registered at Police Station NRI District SAS Nagar Mohali and his bail application/petition stand dismissed upto the Supreme Court and stands in direct contravention of essence of the order dated 01.02.2023 passed by this Court in CRM-M-28256-2022 (Annexure P3) vide

which the first petition filed by the petitioner seeking cancellation of regular bail granted to the respondent No.2 was dismissed by this Court.

(3). Furthermore, it is urged that the challan has already been presented and the trial is pending and respondent No.2 is evading his appearance before the trial court as is evident from the zimni orders dated 03.06.2024 and 12.09.2024 (Annexure P7 & P8, respectively). He further pointed out the respondent No.2 is a property dealer and there are already been many criminal cases registered against him, the details of which are given in para 7 of the petition and as such, the respondent No.2 cannot be allowed to avail the concession granted by this Court.

(4). On the other hand, learned State counsel submits that in the present FIR, challan has been presented on 08.02.2022 and charges were framed on 14.06.2023 and out of total 13 PWs, none have been examined so far and the next date of hearing before the trial is 30.07.2025. He sought time to verify the averments made in the petition and submitted that as of now, nothing adverse has been pointed out against respondent No.2 as to misuse of concession granted by this Court.

(5). Having heard learned counsel for the parties, this Court is of the considered opinion that the petitioner has not made out a valid and justifiable ground for cancellation of regular bail to the respondent No.2 granted vide order dated 30.05.2022. Though it is well settled that there is no straight jacket formula to assess the application for grant or rejection of bail but its determination involves balancing of numerous factors including the nature of offence, severity of punishment and prima facie view of the involvement of accused.

(6). In '*Myakala Dharmarajam Vs. The State of Telangana, (2020) 2 SCC 743*,' it has been held by the Supreme Court: -

*"In Raghbir Singh v. State of Bihar, (1986) 4 SCC 481 this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.*

(7). In the instant application the grounds taken by the petitioner are solely based on factual aspects without touching the merits of the case inasmuch as mere registration of an FIR against respondent No.2 cannot be assumed as an adverse inference against the conduct of the accused on bail. I am of the firm view that very cogent and overwhelming circumstances or grounds are required to cancel the bail already granted. Ordinarily, unless a strong case based on any supervening event is made out, an order granting bail cannot be interfered with under Section 439(2) CrPC.

(8). Moreover, the petitioner has even failed to establish on record as to whether the respondent No.2 ever tried to interfere with the course of justice in the present case or attempted to tamper with evidence or witnesses or threatened witnesses or indulged in similar activities to directly hamper the

smooth investigation or trial of the present case. The very assertion that another FIR has been lodged against respondent No.2 or that he skipped the trial court proceedings twice are some of the factors broadly involving factual aspects albeit it does not directly impinge upon the course of justice in the case in hand.

(9). In view of the above discussion, this petition is devoid of merit and is accordingly dismissed.

17.07.2025

*V.Vishal*

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

**(Sandeep Moudgil)**  
**Judge**

*Yes/No*  
*Yes/No*