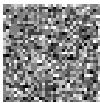


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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59999-2024
Date of decision: 02.12.2024

SUKHMAHINDER SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

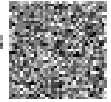
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Deepak Nayar, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J.

1. The present petition has been filed under Section 483 (2) of the BNSS, 2023 for cancellation of regular bail granted to respondent No.2, namely, Mandeep Kaur vide order dated 11.04.2023 in CRM-M-15240-2023 in FIR No.144 dated 22.06.2021, under Sections 302, 452 and 392 of the IPC, registered at Police Station Cantonment Amritsar, District Amritsar, Punjab.
2. Learned counsel for the petitioner submitted that respondent No.2, namely, Mandeep Kaur was granted the concession of regular bail by this Court vide Annexure P-2 dated 11.04.2023 and the aforesaid order of bail was passed on the basis of misrepresentation of facts and it was passed without any justification on erroneous grounds and therefore, the aforesaid bail granted to respondent No.2 is liable to be cancelled. While referring to the grounds taken in the present petition he submitted that there is a CCTV footage of the crime

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scene in which respondent No.2 is clearly seen coming out of the residence of the deceased on the day of crime and there is an admission on her part with regard to the same before the police.

3. I have heard the learned counsel for the petitioner.

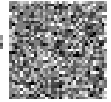
4. The petitioner herein has prayed for the cancellation of regular bail granted to respondent No.2, namely, Mandeep Kaur vide order dated 11.04.2023 (Annexure P-2) by this Court. Respondent No.2 was granted the concession of regular bail on merits as she was in custody for about 1 year and 9 months. The charges were framed by the learned trial Court on 29.12.2021 and when bail was granted, only 1 prosecution witness was examined and the trial was not progressing.

5. The petitioner who is seeking cancellation of regular bail granted to aforesaid respondent No.2 raised the grounds pertaining to the merits of the aforesaid order passed while granting regular bail but there is no ground to the effect as to whether respondent No.2 has violated any of the conditions of bail or has jumped the bail.

6. This Court is of the considered view that the present petition is liable to be dismissed on two grounds.

(i) Firstly, once an order of bail has been passed by this Court then a petition filed on behalf of the complainant for cancellation of regular bail on merits would not be maintainable because it would amount to review of the order passed, which is not permissible.

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(ii) Secondly, it is a settled law that while considering the prayer for cancellation of bail, the Court has to be extremely cautious and cancellation can be done only where strong reasons are stated because it involves the life and liberty of a person concerned.

7. Hon'ble Supreme Court in **Abdul Basit alias Raju and others versus Mohd. Abdul Kadir Chaudhary, (2014) 10 SCC 754** observed as under:-

“26. In the instant case, the order for bail in the bail application preferred by the accused-petitioners herein finally disposes of the issue in consideration and grants relief of bail to the applicants therein. Since, no express provision for review of order granting bail exists under the Code, the High Court becomes functus officio and Section 362 of the Code applies herein barring the review of judgment and order of the Court granting bail to the accused-petitioners. Even though the cancellation of bail rides on the satisfaction and discretion of the court under Section 439(2) of the Code, it does not vest the power of review in the court which granted bail. Even in the light of fact of misrepresentation by the accused-petitioners during the grant of bail, the High Court could not have entertained the respondent/informant's prayer by sitting in review of its judgment by entertaining miscellaneous petition.”

8. After hearing learned counsel for the petitioner and considering the aforesaid totality and circumstances of the present case, this Court is of the considered view that the present petition is devoid of any merit and the same is hereby dismissed.



9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

02.12.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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