



CRM-M-38468-2023 (O&M)

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

CRM-M-38468-2023 (O&M)
Decided on: 03.10.2024

Dr. Taranvir Kaur Petitioner

versus

State of Punjab and another Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunil Chadha, Sr. Advocate with
Mr. Raghav Chadha, Advocate and
Mr. Kashish Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Gaurav Datta, Advocate
for respondent No.2.

Manjari Nehru Kaul, J. (Oral)

CRM-33201-2024

Application is allowed as prayed for and documents
(Annexures R-4 and R-5) are taken on record subject to all just
exceptions.

Main case

Instant petition has been filed under Section 439(2) Cr.PC
seeking cancellation of bail granted to respondent No.2 in FIR No.112
dated 28.07.2020 registered under Sections 302, 34 and 120-B IPC at
Police Station Payal District Khanna, vide order dated 04.01.2023
(Annexure P-2).

2. Learned Senior counsel for the petitioner submits that the FIR
in question came to be registered due to the alleged contractual killing of



the mother of the petitioner, purportedly orchestrated by accused-respondent No.2. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, learned Senior counsel has argued that even while in custody, respondent No.2 continued to intimidate the petitioner, as a result of which, a complaint dated 20.08.2021 (Annexure P-3) was made to Sr. Superintendent of Police, Khanna. Learned Senior counsel has further submitted that after being granted bail vide order dated 04.01.2023 annexed as Annexure P-3, respondent No.2 along with six unidentified persons, forcibly entered the agricultural land of the petitioner, measuring 6 Bighas and 12 Biswas, co-owned with her brother Bishesharpal Singh, who has been cited as a prosecution witness in the main FIR, which has been annexed as Annexure P-1. Learned Senior counsel has contended that respondent No.2 and his accomplices not only caused significant damage to the underground irrigation pipes in the agricultural land, but also attempted to take possession of the land. Furthermore, it has been contended that Dalveer Singh, who had leased the land, was threatened by respondent No.2. Consequently, FIR No.73 dated 12.07.2023 under Sections 447, 511 and 427 IPC was registered at Police Station Payal District Khanna. In support, learned Senior counsel has drawn the attention of this Court to Annexure P-5. Learned Senior counsel has asserted that in the circumstances, it is evident that respondent No.2 has blatantly misused the concession of bail granted by this Court vide order dated 04.01.2023 (Annexure P-2) and thus, concession of bail granted to respondent No.2 deserves to be cancelled.



3. Per contra, learned counsel for respondent No.2 has vehemently opposed the prayer and submissions made by learned counsel for the petitioner.

4. Learned State counsel assisted by learned counsel for respondent No.2, while acknowledging that the petitioner had filed a complaint Annexure P-3, regarding the alleged threats made by respondent No.2 while in custody, have submitted that the complaint was duly enquired into by DSP, Payal, through the SHO and the Inquiry Report dated 01.09.2021 (Annexure R-1/T) with the reply filed by the State dated 11.12.2023 concluded that no further action was warranted, following which the complaint was consigned to the Record Room. It has been further argued that there have been no subsequent complaints regarding any threats or intimidation by respondent No.2 after his release on bail on 04.01.2023. Still further, it has been contended that FIR No.73 dated 12.07.2023 (Annexure P-5) registered at Police Station Payal, after respondent No.2 was granted bail, pertains to an alleged trespass that, as per learned State counsel, is rooted in a civil dispute over a property co-owned between the petitioner and respondent No.2. It has been contended by learned counsel for the respondents that this dispute pertaining to the land, particularly, regarding irrigation pipes, cannot be a valid ground for cancelling the bail granted to respondent No.2, especially when he has not violated any conditions, which were imposed upon him when he was extended the concession of bail by this Court vide order dated 04.01.2023.



5. Heard learned counsel for the parties and perused the relevant material available on record.

6. The principles governing the grant and cancellation of bail are well settled. Bail is not intended to serve as a punitive measure but rather as a mechanism to ensure the presence of the accused during trial. The foundational premise, as laid down by Hon'ble the Supreme Court of India, is that the grant of bail should be the rule, and its denial or cancellation the exception. Depriving an individual of personal liberty through the cancellation of bail is a serious step that should be only undertaken when compelling reasons, supported by cogent evidence, are brought to the attention of the Court. The decision to cancel bail should, therefore, be exercised only in exceptional circumstances, where the conduct of the accused has demonstrated a blatant disregard for the process of law or where there is a clear apprehension of obstruction of justice.

7. Furthermore, as per the settled law, cancellation of bail can be ordered in case, there are some new and supervening circumstances that point to the misuse of the bail. Courts must, therefore, guard against cancelling the bail for trivial reasons, as the right to personal liberty, enshrined under Article 21 of the Constitution of India, stands at the core of our legal system.

8. In the present case, learned Senior counsel for the petitioner has failed to bring to the fore any such compelling circumstances that would justify the cancellation of bail. The allegations of trespass and damage to property, though serious in nature, pertain to land i.e.



admittedly co-owned by the petitioner and respondent No.2. As the property in question is jointly held, the charge of trespass under Section 447 of the IPC does not stand on firm ground. The dispute appears to be a continuation of a civil matter, concerning co-ownership, and learned Senior counsel for the petitioner has not provided any material or evidence of breach of any of the bail conditions or misconduct by respondent No.2 after his release on bail on 04.01.2023.

9. The Inquiry Report filed by DSP, Payal further negates the claim by the learned Senior counsel for the petitioner regarding threats allegedly issued by respondent No.2 while in custody. No additional complaints or instances of threats have been brought to the notice of this Court since respondent No.2 was granted bail. Moreover, there is no material to suggest that respondent No.2 has tampered with evidence, influenced the witnesses or possess a risk of absconding.

10. In the light of foregoing, this Court does not find any merit in the instant petition; no grounds have been made out to warrant the cancellation of bail granted to respondent No.2. Accordingly, the instant petition stands dismissed. 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.

03.10.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No