



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

212

CRM-M-39595-2023

Date of decision: 18.09.2024

Surinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Amtiaz Sandhu, Advocate  
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Salil Dev Bali, Advocate  
for respondent No.2.

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**MANJARI NEHRU KAUL, J.**

1. The petitioner is seeking cancellation of bail under Section 439(2) of the Cr.P.C. granted to respondent No.2 vide order dated 13.07.2023 (Annexure P-2) by the learned Trial Court in case FIR No.26 dated 10.05.2023 under Sections 307, 323, 34 of the IPC and Sections 27, 29 of the Arms Act, 1959 registered at Police Station Arif Ke, District Ferozepur.

2. Short reply by way of affidavit of Sukhwinder Singh, PPS, Deputy Superintendent of Police (City), Ferozepur, District Ferozepur, on behalf of respondent No.1-State has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner contends that after the

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accused respondent No.2-Sucha Singh was granted bail by the learned Trial Court vide impugned order dated 13.07.2023 (Annexure P-2), he has been freely roaming the village and issuing threats of dire consequences to the petitioner/complainant. It has been asserted that representations regarding these threats were made to the authorities concerned, including the SSP Ferozepur. Despite these representations, respondent No.2 has repeatedly threatened the petitioner, and Kalandra proceedings have been initiated against him. In light of this, learned counsel has argued that the bail granted to respondent No.2 should be cancelled, as he is clearly misusing the concession granted to him.

4. Per contra, learned counsel for respondent No.2 has vehemently opposed the submissions made by the learned counsel for the petitioner. It has been argued that, as per the own case of the prosecution, the only role attributed to the petitioner is lalkara. The bail was granted after considering the merits of the case, and there is no justification for its cancellation.

5. Learned State counsel while inviting the attention of this Court to the short reply filed today and on instructions, has informed the Court that after respondent No.2 was granted bail, petitioner Surinder Singh lodged a complaint with the police through the helpline, accusing respondent No.2 and his son, Amritpal Singh, verbally abusing him due to an ongoing dispute. However, the investigation which was carried out by the police reveal that both parties lived in close proximity, raising the possibility of further disturbances. Consequently, proceedings under Section 107/151 of the Cr.P.C. were



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initiated against both the parties, as is documented in Rapat No.22 dated 14.10.2023 at Police Station Arif Ke. It has been further submitted that the matter was brought before the SDM Ferozepur and on 21.03.2024, both the parties were directed to maintain peace for six months.

6. Similarly, on 15.10.2023, respondent No.2 filed an application against the petitioner and his son, Kamaldeep Singh before SDM Ferozepur, alleging that after being granted bail in FIR No.26, the petitioner had already filed a petition seeking cancellation of his bail. Respondent No.2 claimed that the petitioner and his son were provoking a confrontation to have the bail cancelled. After an inquiry into respondent No.2-Sucha Singh's application, proceedings under Section 107/151 of the Cr.P.C. were initiated vide Rapat No.19 dated 04.12.2023 at Police Station Arif Ke. The case was again presented before SDM Ferozepur and on 21.12.2023, the petitioner was discharged from the allegations made by respondent No.2-Sucha Singh. However, Kamaldeep Singh and respondent No.2 were both directed to maintain peace for six months, as per order dated 21.03.2024.

7. Learned State counsel has further submitted that since both parties had levelled similar accusations against each other, proceedings under Section 107/151 of the Cr.P.C. were again initiated against them. It has also been submitted that charges were framed in the FIR in question on 06.01.2024 and now the case is listed for arguments on 25.09.2024 regarding an application filed by the prosecution under Section 319 of the Cr.P.C.

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8. I have heard learned counsel for the parties and perused the relevant material on record.
9. It is well settled that pre-trial detention is not intended to punish the accused but to ensure adherence to the legal process. Bail is granted not as a punitive measure but to secure the presence of an accused at trial. As such, grant of bail should be the norm and its cancellation should be reserved for exceptional circumstances where there is compelling evidence of a violation of bail conditions.
10. Once bail is granted, Courts must exercise caution before cancelling it unless there is substantial evidence showing that the accused has breached the conditions of bail, attempted to tamper with evidence, intimidated witnesses, or is likely to abscond or evade trial. In the instant case, learned counsel for the petitioner has not brought to light any new or supervening circumstances that would demonstrate that respondent No.2 has misused his bail, tampered with evidence, influenced witnesses, or is likely to flee. As per the Kalandra proceedings, it is admitted that proceedings under Section 182 of the Cr.P.C. were initiated against both the parties.
11. In the light of the above, no ground is made out to accept the prayer of the petitioner for cancelling the bail of respondent No.2. The instant petition stands dismissed accordingly.

18.09.2024

(MANJARI NEHRU KAUL)  
JUDGE

Vinay

Whether speaking/reasoned

Whether reportable

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Yes/No

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Yes/No