



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

CRM-M No.50402 of 2024
Date of decision: 14th October, 2024

Sohan Sharma

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 483(3) of the BNSS, 2023 for cancellation of anticipatory bail granted to respondent No.2 vide orders dated 19.10.2023 and 01.12.2023 (Annexure P-4 and P-6) in case FIR No.28 dated 18.01.2023 under Sections 406, 420 and 506 of the IPC registered at Police Station Chandimandir, District Panchkula.

2. Learned counsel for the petitioner submits that the respondent/accused defrauded the petitioner of over ₹57 lacs, compelling the petitioner to file the FIR in question (Annexure P-1) against the respondent/accused. Following the registration of the FIR, the parties entered into a compromise, based on which this Court extended the concession of anticipatory bail to the respondent/accused.

Learned counsel has further submitted that while the respondent/accused

partly repaid the amount as agreed in the compromise, he failed to pay the remaining amount of ₹12 lacs, thereby violating the terms of the compromise so affected between the parties. Learned counsel has thus, argued that given that the respondent/accused had resiled from the terms of the compromise by not repaying the outstanding amount, the concession of anticipatory bail granted to him deserved to be cancelled.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the order dated 01.12.2023 (Annexure P-6) vide which the respondent/accused was extended the concession of anticipatory bail.

4. It would be pertinent to note that the concession of bail, once granted, cannot be cancelled arbitrarily or in a mechanical manner. The principles governing the cancellation of bail are well settled; bail can only be cancelled if the accused has misused the liberty granted or breached the conditions imposed. In the present case, a perusal of the order dated 01.12.2023 passed by this Court, reveals that the respondent/accused was granted the concession of anticipatory bail in the presence of the counsel for both the parties, without any opposition from the counsel for the complainant at that time. Additionally, the respondent/accused was granted bail based on a statement made by the learned State counsel that he had cooperated with the investigation and his custodial interrogation was not required. Notably, the anticipatory bail granted to the respondent/accused was not contingent upon any payment to the petitioner/complainant.

5. Furthermore, the learned counsel for the petitioner has failed to bring to the notice of this Court any misuse of the concession of bail by the respondent/accused. It is also worth noting that the instant petition for cancellation of bail has been filed by a counsel different from the one who was present when the order dated 01.12.2023, vide which the respondent/accused was granted bail, was passed. In the light of the facts and circumstances as enumerated above, no ground is made out for acceptance of the instant petition. The same stands dismissed.

6. 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.

(MANJARI NEHRU KAUL)
JUDGE

October 14, 2024

rps

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