



CRM-M-54287-2019

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**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-54287-2019
Decided on : 09.12.2024

Judge Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Nagar Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

None for respondent No.2.

Manjari Nehru Kaul, J.(Oral)

1. Petitioner has moved this Court seeking cancellation of anticipatory bail granted to accused-respondent No.2 by Learned Addl. Sessions Judge, Ambala vide order dated 29.08.2019 (Annexure P-3) in case FIR No.89 dated 27.07.2019 under Sections 306/34 IPC registered at Police Station Macchiwara District Ludhiana.

2. Learned counsel for the petitioner contends that the order suffers from a lack of appreciation of the gravity of allegations against respondent No.2, who is accused of abetting the suicide of the son of the petitioner. Learned counsel for the petitioner has drawn the attention of this Court to the FIR, which has been



reproduced in the body of petition, including the suicide note of the deceased as well as the supplementary statement of the petitioner-complainant to substantiate the serious allegations against respondent No.2. It is further alleged that respondent No.2 attempted to mislead the Court by falsely claiming to be a minor, while simultaneously filing the application in her individual capacity, thereby contradicting her assertions.

3. Learned counsel for the petitioner has also submitted that respondent No.2 has misused the concession of anticipatory bail granted to her by initiating false civil cases against the petitioner and others. However, in response to a pointed query to this Court, learned counsel has conceded that other than the initiation of civil cases by respondent No.2, respondent No.2 has neither extended any threat to the petitioner nor interfered with the proceedings before the Trial Court.

4. On a pointed query to the learned State counsel by this Court, it has also been submitted, on instructions, that no material/evidence has been brought to the notice of the investigating agency that respondent No.2 has tampered with evidence, threatened witnesses or involved herself in any criminal activities post the grant of anticipatory bail.

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



6. It is pertinent to address the principles governing the cancellation of bail. Hon'ble the Supreme Court in ***Prabhakar Tiwari vs. State of UP, AIR Online 2020 SC 96*** observed that cancellation of bail requires the demonstration of specific grounds, such as misuse of liberty, interference with the investigation or trial, or the existence of supervening circumstances that make it necessary to curtail the liberty of the accused.

7. The Apex Court in *Prabhakar Tiwari's case(supra)* further held that the gravity of the offence alone cannot be the sole basis for cancellation of bail, particularly, when the order granting bail has been passed after due consideration of material on record. It was also emphasised by the Apex Court that judicial discretion in granting bail, when exercised after proper adjudication of mind, should not be interfered with in the absence of cogent reasons or evidence indicating impropriety. It would be apposite to reproduce the observations made by Hon'ble Apex Court in *Prabhakar Tiwari's case(supra)*, which are as under:

"On considering the submissions of the learned counsel for the parties. Having regard to the circumstances of this case, in our opinion, there has been no wrong or improper exercise of discretion on the part of the High Court in granting bail to the accused. The factors outlined in the case of [Mahipal](#) (supra) for testing the legality of an order granting bail are absent in the order impugned. The materials



available do not justify arriving at the conclusion that the order impugned suffers from non-application of mind or the reason for granting bail is not borne out from a prima-facie view of the evidence on record. The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused Vikram Singh upon considering relevant materials. No ex-facie error in the order has been shown by the appellant which would establish exercise of such discretion to be improper. We accordingly sustain the order of the High Court granting bail. This appeal is dismissed.”

8. Adverting to the facts of the present case, a perusal of the impugned order reveals that the learned Sessions Court has exercised its discretion judiciously after evaluating the relevant material on record. The petitioner has failed to produce any evidence indicating that the accused-respondent No.2 has tampered with evidence, influenced witnesses or caused obstructions during the trial Court proceedings.

9. The primary allegation of the petitioner in the present petition pertains to the institution of civil cases by respondent No.2. However, filing of civil proceedings, in itself, does not constitute misuse of bail unless it is demonstrated that such actions are



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intended to interfere with the criminal process or intimidate the complainant. As already observed, no such intent or action has been brought to the notice of this Court.

10. Furthermore, the petitioner has not demonstrated the existence of any supervening circumstances that would warrant the cancellation of bail. The liberty granted to respondent No.2 cannot be curtailed in the absence of any concrete evidence indicating misuse or abuse of the concession of bail.

11. In view of foregoing discussion, this Court does not find any ground to interfere in the impugned order passed by the Court below. Accordingly, the present petition, being devoid of any merit, stands dismissed.

12. 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.

09.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

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