



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

112

CRM-M-60182-2024

Date of decision: 02.12.2024

Gurdeep

...Petitioner

V/s

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Kartik Parmod Goyal, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition filed under Section 439(2) of the Cr.P.C. is for cancellation of regular bail granted to the accused-respondents No.2 to 4 i.e. Dharampal vide order dated 12.12.2023 passed in CRM-M-56427-2023, Dharambir vide order dated 12.01.2024 passed in CRM-M-439-2024 and Amit vide order dated 15.03.2024 passed in CRM-M-9000-2024 respectively by this Court in case FIR No.168 dated 18.06.2023 for offences punishable under Sections 148, 149, 323 and 506 of the of Indian Penal Code, 1860 (Section 307 IPC added later on) registered at Police Station B.P.T.P, District Faridabad.

2. Learned counsel for the petitioner has sought the cancellation of bail granted to the private respondents-accused vide aforesaid orders, on the grounds that the injured/victim, who sustained injuries dangerous to life during an attack perpetrated by the private respondents and their co-



accused, has since expired, and that the private respondents have also been extending threats to the prosecution witnesses.

3. It is submitted by the learned counsel for the petitioner that the private respondents, along with their co-accused, launched an attack on the complainant/victim, inflicting serious head injuries, which were declared dangerous to life, causing the victim to slip into a coma. It has been further asserted that the private respondents were granted the concession of regular bail vide orders dated 12th of December 2023, 12th of January 2024 and 15th of March 24 respectively annexed as Annexure P-4. However, after their release on bail, the private respondents celebrated their release on bail by lighting fireworks and posting videos on social media. It has also been pointed out that the injured/victim succumbed to her injuries on 5th of September 2024, and her death was directly linked to the attack by the private respondents and their co-accused, thereby warranting the cancellation of their bail.

4. Additionally, learned counsel has claimed that the private respondents had been threatening witnesses, and a complaint regarding this was given to the police on 30th of September 2024. On being specifically asked about whether any complaints had been lodged earlier after the release of the private respondents on bail, the learned counsel responded in the negative, affirming that complaint was made only after the death of the injured victim.

5. I have heard learned counsel for the parties and have perused the relevant material placed on record.



6. It is trite law that once bail has been granted, it cannot be cancelled as a matter of course or without due reason. The cancellation of bail can only be ordered when there is a misuse of the liberty by the accused, a breach of the conditions imposed upon the accused, or if there is manifest illegality or perversity in the order granting bail.

7. In the present case, the learned counsel for the petitioner did not dispute that the accused-respondents No.2 to 4 had complied with the conditions of bail. The primary argument relied upon by the learned counsel was the death of the injured victim, which according to the learned counsel, was directly caused by the injuries sustained during the attack by the accused party. However, a perusal of the impugned orders granting the concession of bail to the private respondents reveals that the injuries inflicted upon the victim, particularly the injury on her head which was declared to be dangerous to life, was attributed solely to co accused Sourab and Gulli, who pelted bricks towards the victim. No injury was attributed to the private respondents; only their presence at the scene of the crime, armed with sticks, farsa etcetera was alleged against them. This fact was not disputed by the learned counsel for the State or the complainant during the grant of bail to the private respondents, and it has also not been disputed before this Court during the hearing of the present petition.

8. Furthermore, the complaint regarding threats to witnesses was made to the police on 30th of September 24, which is after the death of the victim. Learned counsel for the petitioner has also conceded that no such complaint had been filed earlier, and no breach of the bail conditions was



brought to light. In the circumstances, this Court, therefore, is satisfied that there has been no misuse of liberty by the private respondents, nor has there been any breach of the conditions of bail.

9. In view of the above discussed facts and as per the settled law, the learned counsel for the petitioner has not demonstrated any ground sufficient to justify the cancellation of the bail granted to the private respondents.

10. As a sequel, the instant petition is hereby 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.

December 02, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

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