



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M No.2125 of 2025 (O&M)
Date of decision: 20.01.2025

KXXXXXX

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Sheokand, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483(2) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for cancellation of anticipatory bail or to stay the interim order granting interim bail to respondent No.2 in FIR No.881 dated 20.11.2024, registered under Sections 313, 328, 376(2)(n), 377, 506 IPC at Police Station Karnal Sadar vide order dated 18.12.2024 (Annexure P-4) passed in CRM-M No.63944 of 2024, titled as “Sumit vs State of Haryana”.

2. Brief facts of the case are that the petitioner/complainant first met respondent No.2 in the year 2019 during a training session while she was unmarried. Over time, a romantic relationship developed, during which respondent No.2 took the petitioner to a hotel, where he allegedly drugged her, recorded nude videos, and threatened to

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disseminate them if she disclosed the incident. Respondent No.2 is accused of subsequently raping the petitioner on multiple occasions, coercing her into an abortion when she became pregnant. In the year 2021, after the petitioner married another individual, Vikram Singh, respondent No.2 allegedly blackmailed her into resuming their relationship, resulting in another pregnancy and further threats regarding abortion. When the petitioner/complainant refused to terminate the pregnancy, respondent No.2 reportedly contacted her husband, revealing their relationship, which led to the petitioner's abandonment. The petitioner/complainant later on came to know that respondent No.2 was engaged to marry another individual in December, 2024. Feeling that her life had been irrevocably damaged, the petitioner/complainant filed a complaint, which culminated into registration of FIR No.881 dated 20.11.2024, registered under Sections 313, 328, 376(2)(n), 377 and 506 IPC at Police Station Sadar Karnal, District Karnal.

3. Learned counsel for the petitioner *inter alia* contends that this Court has granted the concession of ad interim anticipatory bail to respondent No.2 without considering the factual matrix of the case. He further submits that admittedly, respondent No.2 was senior in status as compared to the petitioner and she has apprehension that respondent No.2 is a highly influential person and he can tamper with the evidence and the offence alleged is heinous in nature and he should not have been granted the concession of pre-arrest bail in such like case. Further the



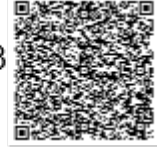
respondent No.2 has never joined the investigation and the petitioner has apprehension that she would not be provided fair investigation and relies upon judgment of the Hon'ble Supreme Court in ***“State of Maharashtra vs Sitaram Popat Vital”***, AIR 2004 (SC) 4258 and ***“Gurcharan Singh vs State (Delhi Administration)”*** AIR 1978 (SC) 179 and further submits that it is clear from the above-stated facts and circumstances that respondent No.2 do not deserve the concession of interim anticipatory bail. The investigating agency is harassing the petitioner and pressurizing her to enter into a compromise.

4. *Per contra*, learned State counsel submits that the investigation is being carried out in a free and fair manner and the final report would be submitted after completion of the investigation.

5. Having heard learned counsel for the parties and after perusing the record of the case, it appears that learned counsel for the petitioner has not been able to indicate any reasons necessitating the bail granted to respondent No.2 to be cancelled. Nowhere has it been indicated that the petitioner or the sanctity of the trial will be adversely affected if he continues to enjoy the concession of bail. The scope of interference by the Courts qua cancellation of bail is rather limited and adjudication upon the alleged facts, does not fall within its purview.

6. Moreover, there is a justified case for grant of anticipatory bail to respondent No.2 and this Court has passed the order dated 18.12.2024 (Annexure P-4), after considering the material facts.

7. The parameters for denying bail and cancelling the same



are quite varied. Denial of bail is a matter of discretion and can be decided upon without inspecting the details of the matter. If the Court is of the opinion that the accused is likely to misuse the liberty granted to him, it can deny bail simply on the basis of gravity of the offence. However, cancellation would amount to curtailment of the liberty already granted to an under-trial accused, which cannot be embarked upon in a cursory fashion. Only if a grave error is highlighted in the order granting bail or it is evident that the accused is misusing the concession, can the Court consider cancellation.

8. The scope and power of the judicial review of an order granting bail has been illustrated by the Hon'ble Supreme Court in ***Dolat Ram and others vs. State of Haryana (1995) 1 SCC 349***, as follows:-

*“(i) interference or attempt to interfere with the due course of administration of justice;
(ii) evasion or attempt to evade the due course of justice;
(iii) abuse of the concession granted to the accused in any manner;
(iv) possibility of the accused absconding;
(v) likelihood of/actual misuse of bail;
(vi) likelihood of the accused tampering with the evidence or threatening witnesses.”*

9. A three Judge Bench of the Hon'ble Supreme Court in ***Deepak Yadav vs. State of Uttar Pradesh and another (2022) 8 SCC 559***, speaking through Justice Krishna Murari, observed as follows:

“33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and

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discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:

33.1. Where the Court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.

33.2. Where the Court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.

33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.

33.4. Where bail has been granted on untenable grounds.

33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.

33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.

33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.”

10. In view of the above discussion, this Court is of the considered view that the cancellation of bail granted to respondent No.2 would not meet the objective standard of reason and justice. Learned counsel for the petitioner has been unable to indicate any perversity in the order dated 18.12.2024 (Annexure P-4) or demonstrate any conduct

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on the part of respondent No.2, that would warrant interference by this Court.

11. Accordingly, the present petition stands dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

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