



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

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CRM-M-4999-2024

Date of decision: 04.09.2025

Mohinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.P.S. Aulakh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Boota Singh Bairagi, Advocate
for respondents No.2 to 4.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking cancellation of anticipatory bail granted to respondents No.2 to 4 vide order dated 07.12.2023 (Annexure P-2) in case FIR No.204 dated 12.09.2023 under Sections 420 and 120-B of the IPC (Sections 380, 420, 465, 467, 468, 471 of the IPC added lateron), registered at Police Station Dharamkot, District Moga.

2. Status report by way of affidavit of Deputy Superintendent of Police, Dharamkot, District Moga, 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/complainant submits



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that soon after being extended the concession of anticipatory bail, accused-respondent Nos.2 to 4 were involved in yet another case registered vide FIR No.309 dated 24.12.2023 under Sections 324, 323, 148, 149 of the IPC, annexed as Annexure P-8.

4. It is contended that in the said subsequent occurrence, the respondents-accused, along with about 20 other persons armed with sharp-edged weapons, launched a pre-meditated attack on Simranjit Singh (the complainant in the present FIR), Ranjit Singh, Jaspreet Singh (complainant in the FIR dated 24.12.2023) and Inderjeet Singh. The assault allegedly resulted in as many as 24 injuries including grievous injuries on the vital parts of the body such as the head and neck.

5. As per the learned counsel for the petitioner, such conduct clearly establishes that the private respondents have grossly misused the concession of anticipatory bail granted to them. It has further been argued that although respondent No.4 Chamkaur Singh was not personally present at the scene of the subsequent occurrence, his son's active involvement leaves no doubt that the attack was carried out with his tacit support and conspiracy.

6. *Per contra*, learned counsel appearing for the private respondents-accused has vehemently opposed the petition. It has been argued that the subsequent case is nothing but a false and fabricated version foisted upon the private respondents owing to strained relations between the parties, with the sole object of seeking cancellation of the anticipatory bail.



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7. It is further contended that respondent Nos.2 and 3 namely Vajir Singh and Ranjit Singh, have merely been attributed *lalkaras*, while no role or injury has been assigned to respondent No.4 Chamkaur Singh.

8. Even the learned State counsel, upon instructions, does not dispute that no specific injury is attributed to these respondents. It is also not in dispute that respondent No.4 Chamkaur Singh, was not present at the scene of the occurrence in the subsequent FIR.

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

10. The principles governing cancellation of bail are well settled. Bail once granted should not ordinarily be cancelled unless compelling circumstances are shown. The Hon'ble Supreme Court has consistently held that cancellation of bail is warranted only where the accused violates the conditions imposed by the Court; misuses the liberty by attempting to influence witnesses; deliberately delays the trial by absconding or non-appearance; or commits another offence during the subsistence of bail.

11. It is equally trite that pre-detention is not punitive in nature, but only to secure the presence of the accused during investigation and trial. The fundamental right to personal liberty under Article 21 of the Constitution of India mandates that cancellation of bail must not be resorted to lightly, arbitrarily, or on unsubstantiated allegations.

12. Adverting to the facts of the present case, the petitioner has

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not been able to demonstrate any cogent material to show that respondent Nos.2 to 4 have actually misused the concession of bail. The mere registration of a subsequent FIR, in the absence of specific allegations of active participation or attribution of injuries to these respondents, cannot by itself, be construed as misuse of liberty.

13. As noted, respondent No.4 Chamkaur Singh, was admittedly not present at the scene of occurrence. As regards respondent No.2 and 3, only *lalkaras* are attributed, without any overt-act or infliction of injury. The State itself does not dispute this factual position. Attributing tacit support or conspiracy to respondent No.4 merely because his son is alleged to have been present, without any material to substantiate such inference, is far too tenuous a ground to order cancellation of bail.

14. In view of the aforesaid discussion, this Court finds that no ground is made out to justify cancellation of anticipatory bail granted to the private respondents vide order dated 07.12.2023, annexed as Annexure P-2. The petition is accordingly dismissed.

04.09.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

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