



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

227

CRM-M-5315-2025

Date of decision: 28th August, 2025

Rewa Paul

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. H.S. Batth, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner seeking cancellation of benefit of regular bail as granted to the respondent No. 2, vide order dated 08.08.2023, passed by this court in CRM-M-25315 of 2023, in case arising out of FIR No. 98 dated 05.04.2023 registered under Section 306 of IPC at Police Station Sadar, District Amritsar.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 05.04.2023 on the basis of a statement recorded by Prateek Pal, son of the present petitioner, alleging that his father, Ashwani Pal, used to go to the house of one Rama Rani in the evenings to take care of her son, Anil Kumar, who was a specially abled person and used to visit his own house in two or three days. He had not visited his own house from the past 2-3 days. On that day, he received a call from Rama Rani informing that his father had died. On hearing so, the complainant, along with his mother and brother, rushed to the house of



Rama Rani and found the dead body of his father hanging with the ceiling fan. A suicide note was recovered from his pocket, as per which, the deceased was harassed by Amar Pal, the owner of the electric shop, where he used to work and was ending his life because of that. After registration of FIR, investigation proceedings were initiated. The respondent No.2-accused- Amar Pal was nominated as an accused. He was arrested on 05.04.2023. He moved an application for grant of regular bail, which was allowed by this Court, vide order dated 08.08.2023, as mentioned above.

3. The petitioner, who is mother of the complainant and wife of the deceased, has filed this petition, seeking cancellation of bail granted to the respondent No. 2 by submitting that, after being released on bail, the respondent no. 2 has been extending threats to her family members as well as herself, to face dire consequences, if they made any deposition against him. She had also given a representation on 14.11.2024 (Annexure P-3) to the police. It is submitted that respondent No. 2 has flouted the terms and conditions of the bail and therefore his bail is liable to be cancelled.

4. The Respondent No. 1-State has filed reply admitting the fact that a representation(Annexure P-3) was given by the petitioner against the respondent No. 2. It is, however, submitted that inquiry was conducted on the said representation by ASI Satnam Singh, PS Sadar, Amritsar, and it has been revealed that the petitioner could not produce any proof with regard to the allegations as levelled against the respondent No. 2. It is also submitted that the said representation has been ordered to be consigned to record room. Learned State counsel has also submitted that the allegations as levelled by the petitioner are without any basis and it is, therefore, urged that the petition does not deserve to be allowed.



5. Respondent No. 2 accused has also filed reply, controverting the pleas as taken in the petition. It is submitted that in fact he had filed a petition for eviction of the petitioner from the ground floor portion of the premises rented out by him to the petitioner's family and their eviction has been ordered. The petition has been filed as a counter-blast to the said order. Respondent No. 2 has not violated any term and condition for grant of bail, the benefit of which has been granted to him. It is, therefore, urged that no ground for allowing the petition is made out.

6. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

7. At the outset, this Court considers it proper to mention that the well established principles governing the grant of bail are that the Court should consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence and likelihood of fleeing justice. Simultaneously, the principle governing the cancellation of bail are that such cancellation requires cogent and overwhelming circumstances and the same can be revoked, if the order granting bail has ignored relevant material available on record. The Apex Court in an authoritative pronouncement cited as ***State through Delhi Administration v. Sanjay Gandhi, AIR 1978 Supreme Court 961***, had observed that the cancellation of bail necessarily involves review of a decision already made and could by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial. It is also well settled that the cancellation of bail is altogether different from an order of rejection of bail. In ***Dolatram v. State of Haryana, (1995) 1 SCC 349***, the



Hon'ble Supreme Court had observed that cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail, already granted, some of which are interference or attempt to interfere with the due course of administration of justice or evasion of attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. It was held that the satisfaction of the Court, on the basis of material placed on the record or possibility of the accused absconding is yet another reason justifying the cancellation of bail. It was further observed that bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.

8. Reliance can also be placed upon *Myakala Dharmarajam v. The State of Telangana, (2020) 2 SCC 743* wherein the Apex Court has made the following observations:-

“It is trite law that cancellation of bail can be done in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice. If the court granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail.”

9. In the judgment dated 22.04.2022 passed in Criminal Appeal No.658 of 2022 (arising out of SLP (Crl.) No.27 of 2022) titled as *Imran v. Mr. Mohammed Bhava and another*, the Hon'ble Supreme Court



observed that bail can always be revoked if the relevant material on record, gravity of the offence or its societal impact have not been considered by the Lower Court. Where bail is granted in a mechanical manner, the order granting bail is liable to be set aside. Similar proposition of law had been laid down in *Dataram Singh v. State of Uttar Pradesh*, (2018) 3 SCC 22 and *Central Bureau of Investigation, Hyderabad v. Subramani Gopalakrishnan*, (2011) 5 SCC 296.

10. The proposition of law as laid down in the above discussed cases is that the discretion to cancel bail is to be exercised by the Court only if the order qua grant of bail smacks of arbitrariness, capriciousness or perversity or on being satisfied on the basis of record that the accused has actually misused such liberty. In the instant case, the respondent No. 2 has been booked for commission of offences punishable under Section 306 of Indian Penal Code. The respondent No. 2 had remained in custody from 05.04.2023 till 08.08.2023 and was thereafter extended benefit of bail. Though it is submitted by the petitioner that he has violated the terms and conditions for grant of bail, however, from the reply submitted by the respondent-State, it is clear that no such term and condition was proved to have been flouted by respondent No.2. It has also come on record that the petitioner is residing in the premises owned by respondent No. 2 and an eviction order has been passed against her, which can be a reason for her filing this petition. It is submitted in the petition that the respondent No. 2 has extended threats to petitioner and her family members, if they went to depose against him. However, no particular date, month of the extension of such threats, has been mentioned in the petition. Rather, after being released on bail, the respondent No. 2 is not shown to have committed any such act



amounting to eviction or attempt to evade due to course of justice and concession of bail granted to him. Even as per the reply filed by respondent No.1-State, on the representation filed by the petitioner, enquiry was conducted by ASI Satnam Singh and it has been found that the petitioner could not produce any proof with regard to the allegations levelled against respondent No.2 and also that no altercation had taken place on 11.11.2024. The representation so filed by the petitioner has been ordered to be consigned to record room.

11. This Court had passed order granting regular bail to respondent No.2 by considering the nature of the accusations, the severity of the punishment and the period of his incarceration. No cogent or overwhelming circumstance required for cancellation of bail is made out from the allegations as levelled by the petitioner. The grounds as taken in the petition seeking cancellation of bail do not enumerate the principles which have to be considered for revocation of such benefit. Having regard to all the above discussed facts and circumstances, the nature of the allegations and accusations as levelled against the respondent No.2, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

12. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th August, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No