

2025:PHHC:025467



225.

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

CRM-M-11270-2024

Date of decision: 20.02.2025

Surjit Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranjodh Singh Sidhu, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab, for respondent No.1.

Mr. Harchand Singh Batth, Advocate, for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in this petition filed under Section 439 (2) of Cr.P.C. is for cancellation of regular bail granted to respondent No.2-Balbir Singh @ Balla, vide order dated 16.03.2023 (Annexure P-2) passed by the learned Sessions Judge, Tarn Taran, in case FIR No.23, dated 25.02.2023, under Sections 307, 120-B of IPC and Sections 25, 27 of Arms Act, 1959, registered at Police Station Jhabal, District Tarn Taran.

Learned counsel for the petitioner (complainant) submits that the petitioner sustained injuries in the present case, wherein the respondent was a key participant in the unlawful assembly. It is alleged that a co-accused of respondent No.2 had opened fire at the complainant party, resulting in injuries to the petitioner as well.

It is further submitted that following the registration of the FIR (Annexure P-1), respondent No.2 was granted regular bail by the learned Sessions Judge, Tarn Taran, vide order dated 16.03.2023. Learned counsel for the petitioner contends that respondent No.2 was an active participant in the incident and is a habitual offender. These factors, according to the learned counsel, ought to have been duly considered by the trial Court while adjudicating the bail application of respondent No.2, and hence, bail should have been declined to respondent No.2.

Upon a specific query by the Court as to whether respondent No.2 had misused the concession of bail, learned counsel for the petitioner submits that he had allegedly threatened the petitioner after being released vide order dated 16.03.2023. In this regard, a report was lodged with the police on 24.04.2023; however, no action was taken.

Per contra, learned counsel for respondent No.2 has vehemently opposed the petition, by arguing that he was rightly granted the concession of bail by the learned Sessions Judge, Tarn Taran, on the merits of the case. It is submitted that even otherwise a perusal of the FIR reveals that no specific role has been attributed to respondent No.2, let alone any injury. In the absence of any such allegations, learned counsel for respondent No.2 asserts that there is no ground to interfere with the impugned order, particularly when the respondent has not breached any bail conditions and has remained compliant with all the terms imposed by the learned trial Court.

It is further contended by the learned counsel for respondent No.2 that the allegations regarding threats issued by respondent No.2 after his release are false and fabricated. This, as per the learned counsel, is evident from the fact that no FIR has been registered against him in this regard to-date. Additionally, the alleged threat was reported in 2023, and the petitioner has remained silent for two years without any further complaints to the police. Learned counsel submits that this delay casts serious doubt on the veracity of the allegations. Accordingly, a prayer has been made for dismissal of the instant petition.

Learned State counsel, on instructions, has confirmed that no FIR has been registered against respondent No.2 concerning the alleged threats made after his release on bail on 16.03.2023.

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

It is well settled that once bail has been granted, it cannot be cancelled in a routine or mechanical manner. The law on cancellation of bail is clear: bail can only be revoked if the accused has misused the concession of bail, violated its conditions or if the order granting bail is found to be arbitrary, illegal or perverse.

In the present case, no such perversity, illegality or arbitrariness has been demonstrated by the learned counsel for the petitioner while challenging the impugned order. Furthermore, apart from

the complaint made in 2023, no subsequent complaint has been lodged against respondent No.2 nor has any FIR been registered against him.

In the above facts and circumstances, no ground is made out to accept the prayer of the petitioner. Present petition stands dismissed accordingly.

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.

(MANJARI NEHRU KAUL)
JUDGE

February 20, 2025
sanjeev

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