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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12357-2025

Decided on : 18.03.2025

Meena Kumari

... Petitioner

Versus

State of Punjab and others

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Rakesh Kumar, Advocate
for the petitioner

KIRTI SINGH, J. (Oral)

The instant petition under Section 483(3) of BNSS read with Section 528 of BNSS has been filed seeking cancellation of anticipatory bail granted to respondents No.2 and 3 vide order dated 06.06.2023 passed by learned Additional Sessions Judge (Fast Track Court), Ferozepur in case FIR No.13 dated 21.04.2023 under Sections 498-A, 406 and 120-B IPC, registered at Police Station Women Cell, Ferozepur, District Ferozepur.

2. Learned counsel for the petitioner submits that daughter of the petitioner had got registered an FIR No. 13 dated 21.04.2023 under Sections 498-A, 406, 120-B of IPC registered at Police Station Women Cell Ferozepur, District Ferozepur against the private respondents and others. He submits that the complainant herself has moved to Canada but has issued a special Power of Attorney in favour of the petitioner, her mother to pursue the further proceedings. He contends that respondents No.2 and 3 were granted interim anticipatory bail

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vide order dated 26.05.2023. Further, the perusal of the impugned order shows that the recovery of the articles was to be effected from the respondents No.2 and 3 and without doing the same, their bail application was allowed and the articles are still in their possession. Learned counsel also submits that respondents No. 2 and 3, after being released on bail in the present case, are trying to pressurize the petitioner to enter into compromise, to save themselves from criminal proceedings.

3. Heard learned counsel for the petitioner and after perusing the record with his able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner. The present petition is decided *in limine* in order to save litigation cost of the private respondents and also to save the judicial time of the Court.

4. Perusal of the record shows that while granting anticipatory bail to respondents No. 2 and 3, learned Additional Sessions Judge, (Fast Track Court), Ferozepur recorded that one gold Karra weighing about 1 tolla, one suit and Rs. 1100/- were entrusted to respondent No. 2 herein, Sahil Kharbanda @ Nitin and that recovery of gold karra was effected from him. Insofar as respondent No.3 herein, Palvi Kharbanda (married sister in law) is concerned, though recovery of kitty set had not yet been effected, but since there was medical record on file indicating that she was in family way (pregnant). It was under these circumstances that the private respondents herein were granted the concession of anticipatory bail vide impugned order dated 06.06.2023, subject to the conditions mentioned therein.

5. As per the settled proposition of law, once bail has been granted, it would require cogent and overwhelming circumstances for its cancellation. The order granting bail can only be revoked by the Superior Court while granting the



said concession ignored the relevant material available on record, as has been observed by Hon'ble Supreme Court in ***Vipin Kumar Dhir Vs. State of Punjab, 2021 SCC Online SSC 854.***

6. In ***Ms. X vs The State of Telangana (2018) 16 SCC 511***, Hon'ble Supreme Court held that:

“In a consistent line of precedent this Court has emphasised the distinction between the rejection of bail in a non-bailable case at the initial stage and the cancellation of bail after it has been granted. In adverting to the distinction, a Bench of two learned Judges of this Court in Dolatram v State of Haryana [(1995) 1 SCC 349)] observed that:

“Rejection of a bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. (Generally speaking, the grounds for cancellation of the bail, already granted, broadly (illustrative and not exhaustive) 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. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have 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.”

These principles have been reiterated by another two Judge Bench



*decision in Central Bureau of Investigation, **Hyderabad v Subramani Gopalakrishnan (2011) 5 SCC 296** and more recently in **Dataram Singh v State of Uttar Pradesh (2018) 3 SCC 22:***

“It is also relevant to note that there is difference between yardsticks for cancellation of bail and appeal against the order granting bail. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted. Generally speaking, the grounds for cancellation of bail are, interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concessions granted to the accused in any manner. These are all only few illustrative materials. The satisfaction of the Court on the basis of the materials placed on record of the possibility of the accused absconding is another reason justifying the cancellation of bail. In other words, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have 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.”

7. 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 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.”

8. Learned counsel for the petitioner has not been able to indicate any reasons necessitating cancellation of bail to respondents No. 2 and 3. Nowhere it has been indicated that the sanctity of the trial will be adversely affected, if respondents No.2 and 3 continue 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.

9. In view of the above discussion, this Court is of the considered view that the cancellation of bail granted to respondents No.2 and 3 would not meet the objective standard of reason and justice. Learned counsel for the petitioner has been unable to indicate any perversity in the impugned order dated 06.06.2023 (Annexure P-2) or demonstrate any conduct on the part of respondents No.2 and 3, that would warrant interference by this Court.



- 10. In view of the aforesaid and in light of the judgments cited herein above, the petition is dismissed.
- 11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

March 18, 2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No