

2025:PHHC:045118



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

204

CRM-M-16742-2023

Date of decision: April 02, 2025

RAJESH SINGH

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravinder Hooda, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

Mr. Anshuman Dalal, Advocate
for private respondents.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439(2) read with Section 482 Cr.P.C. for cancellation of anticipatory bail granted to respondents No.2 to 13 vide order dated 17.10.2016 passed by this Court in CRM-M-22494 of 2016 pertaining to case FIR No.389 dated 02.03.2016 under Sections 148, 149, 323, 506 IPC, 1860 (Sections 325, 307 IPC added later on), registered at Police Station Kalanaur, District Rohtak.

2. Learned counsel for the petitioner has, at the outset, invited the attention of this Court to the order dated 17.10.2016 (Annexure P-2) passed by this Court, vide which the private respondents (accused) in FIR No.389 dated 02.03.2016 were extended the concession of anticipatory bail. It has



been submitted that while granting anticipatory bail, the private respondents had furnished a categorical undertaking through their counsel that they would not enter village Baniyani during the pendency of the trial, however, it has been contended that the private respondents have flagrantly violated this undertaking by not only residing in the said village in clear defiance of the order of this Court but had also indulged in an assault upon the complainant party. On this ground, the petitioner seeks cancellation of anticipatory bail granted to the private respondents.

3. On being put to notice, learned State counsel as well as learned counsel for the private respondents have entered appearance and opposed the prayer for cancellation of bail. Reply by way of an affidavit of the Deputy Superintendent of Police, Kalanaur, District Rohtak on behalf of respondent-State has been filed in the Court today, which is taken on record subject to all just exceptions.

4. Learned State counsel assisted by learned counsel for the private respondents, while referring to the reply filed by the DSP, Kalanaur, have submitted that the allegations of breach of undertaking as made by the petitioner are factually incorrect. It has been submitted that a thorough inquiry was conducted by the police and no material was found to substantiate the claim that the private respondents had violated the undertaking given to this Court. It is further submitted that the additional allegation of assault by the private respondents on the petitioner was also inquired into, and it was found that no such incident had taken place



between the petitioner and the respondents. Instead, it was revealed that the alleged altercation involved certain other individuals, who were unconnected with the private respondents.

5. Learned counsel for the private respondents has further asserted that false and frivolous allegations are being levelled against the private respondents with the *mala fide* intent of seeking cancellation of their anticipatory bail. It is contended that there is no evidence on record to support the claim of any violation of the undertaking or any act warranting cancellation of bail.

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

7. This Court finds no substance in the present petition. The reply filed by the State categorically negates the allegations of breach of undertaking or any misconduct on the part of the private respondents. The petitioner has failed to produce any cogent material to demonstrate that the private respondents have acted in contravention of the conditions imposed while granting anticipatory bail. Mere allegations, unsupported by substantive proof, cannot form the basis for cancellation of bail, as the power to cancel bail must be exercised sparingly and only in cases of clear misuse or violation of the conditions imposed at the time of grant of bail.

8. In view of the foregoing, no ground is made out for cancellation of anticipatory bail granted to the respondents-accused.

9. Accordingly, the instant petition stands dismissed.



10. 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.

April 02, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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