



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101+205

CRM-M-18276-2024 (O&M)

Date of decision: 14.01.2025

Aditya Badhwar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Krishan Mohan Vorha, Advocate
for the petitioner.

Mr. H.S. Deol, Sr. DAG, Punjab.

Mr. Vivek Thakur, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking cancellation of bail under Section 439(2) of the Cr.P.C. granted to respondent No.2-accused vide order dated 11.09.2023 in case FIR No.148 dated 17.03.2022 under Sections 307, 506, 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Zirakpur, District SAS Nagar.

2. Learned counsel for the petitioner/complainant submits that respondent No.2 sought permission to travel abroad but fled the country while her application was still pending. It is further submitted that respondent No.2 has also executed a sworn affidavit confirming her residence abroad, thereby breaching the conditions imposed upon her while being extended the concession of bail. It is argued that this



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conduct of respondent No.2 constitutes a violation of the conditions imposed by the Court while granting her bail, and therefore, warrants cancellation of her bail.

3. Learned counsel for respondent No.2 submits that respondent No.2 travel abroad to join her husband after her recent marriage. It is argued that respondent No.2 was declared innocent by a Special Investigation Team (SIT) and was under the bonafide belief that she was no longer required in the investigation. Learned counsel has also referred to the findings of the SIT, which are part of the status report filed by the State on 22.12.2023, to assert that neither respondent No.2 nor her parents were found involved in the present FIR.

4. Learned State counsel, on instructions, has confirmed that the SIT, chaired by SP Rural, SAS Nagar, with the DSP Zirakpur and the SHO, PS Zirakpur, as members, conducted a thorough investigation. The SIT concluded that respondent No.2 and her parents were innocent and had no involvement in the FIR. Learned State counsel, on instructions, has further admitted that respondent No.2 fully cooperated with the investigation and joined the proceedings in compliance with the directions of this Court. It has been submitted that respondent No.2 left the country only after being declared innocent. Learned State counsel, on still further instructions, has submitted that although respondent No.2 has been declared innocent, however, cancellation report has not yet been filed, as the investigation against other accused persons is still underway.

5. This Court has carefully considered the submissions of the



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parties and the material placed on record.

6. It is a settled principle of law that pre-trial detention is not punitive but is intended to ensure compliance with the legal process. Bail is the rule, and its cancellation is an exception, permissible only under exceptional circumstances where there is substantial material indicating that the accused has breached bail conditions; tampered with evidence; influenced witnesses; or evaded or is likely to evade the legal process.

7. In the present case, no such supervening circumstances have been brought to the notice of this Court by the petitioner. It is undisputed that respondent No.2 cooperated with the investigation and was declared innocent by the SIT after joining the investigation. The findings of the SIT, as submitted in the short reply filed by way of affidavit of Simranjit Singh, PPS, Deputy Superintendent of Police, Sub Division Zirakpur, District SAS Nagar (Mohali) dated 22.12.2023, remained unchallenged. Moreover, the departure of respondent No.2 from India occurred only after she had been declared innocent, and there is no evidence to suggest that she has tampered with evidence, influenced witnesses, or attempted to evade the legal process.

8. In the light of the foregoing, this Court finds no merit in the contention of the petitioner that respondent No.2 violated the conditions of bail imposed upon her. The departure of respondent No.2 from the country was neither unauthorized nor indicative of an intention to evade justice. Rather, it was predicated on the findings of the SIT of her innocence.



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9. Therefore, no grounds have been made out by the petitioner to warrant the cancellation of bail granted to respondent No.2 vide order dated 11.09.2023. The instant petition is accordingly 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.

11. Pending applications, if any, stand disposed of.

14.01.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

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