



CRM-M-18339-2025

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

**CRM-M-18339-2025**

Decided on: 12.11.2025

Ishwar Singh

..... Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Rajesh Goyal, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

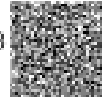
Mr. Ankit Chahal, Advocate, for respondents No.2 to 4.

**Rajesh Bhardwaj, J.**

1. Prayer in the present petition is for setting aside the impugned orders dated 14.10.2024 and 04.11.2024 passed by learned Sessions Judge, Jind, whereby, respondents No.2 to 4 have been granted anticipatory bail in a case FIR No.254 dated 06.09.2024, under Sections 406 and 420 IPC, at Police Station Sadar Safidon, District Jind and further setting aside the order dated 01.03.2025, whereby the petition filed under Section 483(3) of BNSS, has been dismissed.

2. Succinctly facts of the case are that the FIR in the present case was lodged by the petitioner-complainant. Respondents No.2 to 4 approached learned Sessions Court, Jind praying for grant of anticipatory bail and after hearing both the sides, learned Court allowed the same vide impugned orders dated 14.10.2024 and 04.11.2024. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been submitted by learned counsel for the petitioner that

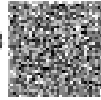


learned Sessions Judge, Jind has failed to appreciate the facts and circumstances of the case while dealing with the bail petitions filed by respondents No.2 to 4. He has submitted that regarding the dispute, Panchayats were also convened, wherein, respondents No.2 to 4 agreed to give amount in the presence of the Panchayat, however, lateron, they backed out of the same. It is submitted that respondents No.2 to 4 had cheated the innocent farmers by usurping their huge amount of Rs.19 lacs deposited in their account. It is, thus, submitted that the impugned orders have been passed without taking into consideration the evidence on record and hence, the same deserve to be set aside.

4. However, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. It is submitted that no transaction had taken place between the petitioner and respondents No.2 to 4, rather the alleged transaction was with the father of respondents No.2 to 4. He submits that respondents No.2 to 4 were minor at the time of alleged transaction with their father and if at all, there is any offence made out, that is against father of respondents No.2 to 4 and respondents No.2 to 4 cannot be held vicariously liable for the same. He further submits that respondents No.2 to 4 have never misused the concession of anticipatory bail and thus, the present petition, being devoid of any merit, deserves to be dismissed.

5. Learned counsel for respondents No.2 to 4 also argued on the same line as argued by learned State counsel.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that as per the allegations made in the FIR, the transaction of the complainant was with the father of respondents No.2 to 4.



Their father Bharat Singh died in the year 2022. The transaction had taken place with the firm during the life time of father of respondents No.2 to 4. Thus, the view taken by learned Sessions Judge, Jind in granting anticipatory bail to respondents No.2 to 4 cannot be said to be perverse. Respondents No.2 to 4 cannot be held vicariously liable for any offence, if alleged against their father.

6. In adverting to the distinction, a Bench of two learned Judges of the Hon'ble Supreme Court in **Dolat Ram v. State of Haryana 1995(1) CLJ (Criminal) 26** observed that:

*"3. Rejection of 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 bail, broadly (illustrative and not exhaustive) 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 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."*

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7. These principles have been reiterated in the judgment titled as **Dataram Singh v State of Uttar Pradesh 2018 (2) SCALE 285, X v. State of Telangana and Another [(2018) 16 SCC 511]** and recently by Division Bench of the Hon'ble Supreme Court in **Himanshu Sharma v. State of Madhya Pradesh 2024(2) RCR(Criminal) 68** which has held as under:

*"12. Law is well settled by a catena of judgments rendered by this Court that the considerations for grant of bail and cancellation thereof are entirely different. Bail granted to an accused can only be cancelled if the Court is satisfied that after being released on bail, (a) the accused has misused the liberty granted to him; (b) flouted the conditions of bail order; (c) that the bail was granted in ignorance of statutory provisions restricting the powers of the Court to grant bail; (d) or that the bail was procured by misrepresentation or fraud. In the present case, none of these situations existed."*

8. There is nothing on record to show that respondents No.2 to 4 have ever misused the concession of anticipatory bail or has violated the conditions imposed upon them while granting them anticipatory bail. The parameters regarding granting bail and that of cancellation of bail rest entirely on different footings. This Court does not find any such ground for recalling the anticipatory bail granted to respondents No.2 to 4 by learned Sessions Judge, Jind and thus, finding no merit in the petition, the same is hereby dismissed.

12.11.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No