

2025:PHHC:146778



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

**CRM-M-19867-2024 (O&M)
Reserved on: 14.10.2025
Pronounced on : 29.10.2025**

Manpreet Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Puja Chopra, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Anmol Puri, Advocate
for respondent No. 2/accused.

MANISHA BATRA, J.

1. The instant petition has been filed under Section 439(2) of Cr.P.C. by the petitioner, who is complainant in case arising out of FIR No.91 dated 25.08.2023, registered under Sections 199, 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Mallanwala, District Ferozepur, making prayer for cancellation of benefit of pre-arrest bail as granted to respondent No. 2 by the Court of learned Sessions Judge, Ferozepur, vide orders dated 25.01.2024 and 30.01.2024.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was lodged against respondent No.2 and other accused at the instance of the present

petitioner on the allegations that she was married to one Daljeet Singh, who had died 02.12.2021. He owned a Fortuner car bearing registration number PB-05-AJ-0023. After six months of his death, her father-in-law Shavinder Singh along with co-accused had sold the said car by forging an affidavit of her deceased husband and later on, the same was transferred in the name of Krishan Kumar. During investigation, it transpired that the vehicle was sold by Shavinder Singh and Jasbir Singh in criminal conspiracy with Amit Kumar and Sukhjinder Singh after forging signatures of Daljeet Singh and showing him to be alive. Shavinder Singh and Jasbir Singh approached Amit Kumar, who was a car dealer, for sale of the car and when Amit Kumar asked for car owner, Shavinder Singh told him that vehicle is in the name of his son, who could not come due to illness. An agreement was executed for R.26,90,000/- as sale consideration and out of that amount, Rs.15,05,000/-was transferred in the account of Punjab National Bank by Sukhjinder Singh and Rs.9,90,000/-in his account of ICICI Bank and remaining amount of Rs.95,000/-were paid in cash to dealer Amit Kumar and later on, Sukhjinder Singh sold the vehicle to Krishan Kumar. Initially, the petitioner was declared innocent during inquiry. However, subsequently, in the inquiry conducted by DSP(D), Fazilka, he was found to be involved with the co-accused in commission of alleged offences. After registration of FIR, investigation proceedings were initiated. Apprehending his arrest, respondent No.2 moved an application for grant of pre-arrest bail before the Court of learned Sessions Judge, Jalandhar and vide impugned order dated 25.01.2024, he had been granted concession of interim bail and then vide order dated 30.01.2024, the same was made absolute.

3. It is submitted in the petition and it has been argued by learned counsel for the petitioner that the impugned orders are liable to be set aside as while passing the same, the learned Sessions Judge did not apply his judicious

mind and acted in a very casual manner. Learned Court overlooked the other serious allegations as levelled in the FIR as against respondent No. 2 and his complicity with the co-accused. The documents relied upon by the complainant were showing on the face of record that the respondent No.2 in collusion with co-accused had fabricated the documents of her deceased husband, on the basis of which, the aforesaid car was fraudulently sold. However, the learned trial Court while allowing the application for grant of anticipatory bail did not take all these facts into consideration and committed a grave error. With these broad submissions, it is argued that the petition deserves to be allowed, the impugned orders are liable to be set aside and the benefit of pre-arrest bail granted to respondent No.2 is liable to be cancelled.

4. Learned State counsel has argued that after conducting inquiry into the matter, the present FIR was registered against the respondent No. 2 and other co-accused. It is further submitted that the respondent-State has no objection if the petition is allowed.

5. Reply has also been filed by respondent No.2 while denying the allegations made against him. It is submitted that the impugned orders are well reasoned and do not call for any interference. Respondent No. 2 had been granted concession of pre-arrest bail after considering all the aspects of the case and also that several co-accused had already been granted similar relief by this Court. It has also been submitted that respondent No.2 had joined the investigation. No recovery was required to be effected from him. His custodial interrogation was not required. No condition of the grant of bail has been violated by him. Therefore, it is argued that there is no merit in the petition and the same is liable to be dismissed.

6. Learned counsel for the parties were heard at considerable length.

Before delving into the contentions as raised by learned counsel

for the parties, I consider it necessary to discuss certain principles which govern the cancellation of bail as enunciated by Hon'ble Supreme Court in various pronouncements. Reference can firstly be made to **Myakala Dharmarajam vs. the State of Telangana**, (2020) 2 SCC 743, wherein it was observed that an order for cancellation of bail can be made only where such order suffers from serious infirmities resulting in miscarriage of justice. If the Court granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail. Reliance can further be placed upon **Sushila Aggarwal v. State (NCT of Delhi)**, (2020) 5 SCC 1, wherein it was observed that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses) or likelihood of his absconding. It was also observed that whether to grant bail or not is a matter of discretion of the Court. Similar position of law had been laid down in **Dolat Ram and others vs. State of Haryana**, 1995 SCC (1) 349.

8. In view of the proposition of law as laid down in the above discussed authorities, it is clear that the discretion under Section 439(2) Cr.P.C. is to be exercised only if it is proved that bail has been granted to an accused of a heinous crime in a manner, which smacks of arbitrariness, capriciousness or perversity and on being satisfied on the basis of material placed on record that the accused has actually misused such liberty. The petitioner in this case has sought cancellation of bail of respondent No. 2 on the ground that the allegations against him are serious in nature and further that

nature of allegations against respondent No.2 is concerned, the trial Court while deciding the prayer of the respondent No.2 for grant of pre-arrest bail is shown to have taken into consideration the contentions raised by the parties. It is shown to have observed that the name of respondent No. 2 was not even mentioned in the FIR. The Court concerned had also observed that co-accused Shavinder Singh and Jasbir Singh, against whom there were graver allegations, had already been granted concession of interim anticipatory bail by this Court. Hence, the allegations levelled in the FIR have already been taken into consideration by learned Sessions Judge while granting benefit of pre-arrest bail to respondent No. 2. It is not the version of the petitioner that respondent No. 2 is either influencing the course of investigation, or tampering with evidence (including intimidating witnesses) or there is likelihood of his absconding from the process of law. Therefore, in view of the discussion as made above, no case has been made out to cancel the benefit of pre-arrest bail granted to respondent No. 2. Hence, this petition is dismissed.

29.10.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No