

2025.PHHC.175548



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

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**CRM-M-28165-2021 (O&M)
Date of decision : 22.12.2025**

Jaswant Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. G. S. Kaura, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

Mr. G. C. Shahpuri, Advocate
for respondents No. 2 and 3.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner/complainant under Section 439(2) of Cr.P.C. seeking cancellation of anticipatory bail granted to respondents No. 2 and 3 vide order dated 20.09.2019, passed by this Court in ***CRM-M-34033-2019 and CRM-M-36574-2019***, respectively, in case arising out of FIR No. 11 dated 23.02.2019, registered under Sections 406, 420, 120-B of IPC (Sections 467, 468 and 471 of IPC added later on) at Police Station Badali Alla Singh, District Fatehgarh Sahib.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was got registered by the petitioner against respondents No. 2 and 3 and other accused on the

allegations that they had duped the petitioner of a sum of Rs. 3.5 crores. After registration of FIR, investigation proceedings were initiated. Apprehending their arrest, respondents Nos. 2 and 3 had filed aforementioned petitions before this Court and vide common order dated 20.09.2019, they were granted concession of anticipatory bail by this Court. The petitioner, who is originally the complainant of this case, has prayed for cancellation of benefit of anticipatory granted to respondents No. 2 and 3.

3. It is argued by learned counsel for the petitioner that the anticipatory bail was granted to respondents No. 2 and 3 by this Court while taking into consideration that a settlement had been arrived at between the petitioner and respondents No. 2 and 3. However, there was no such compromise between them and respondents No. 2 and 3 had forged the said compromise by putting his false signature on the same. It is also argued that the cheques given by the accused to the petitioner were bounced and that they had not joined the investigation, thereby causing delay in completion of the investigation. Therefore, it is argued that the order granting anticipatory bail, passed by this Court, to respondents No. 2 and 2 is liable to be recalled and the benefit of bail granted to them is liable to be withdrawn.

4. Reply has been filed by the respondent-State. In compliance with the order passed by this Court, respondents No. 2 and 3 had joined investigation on 08.10.2019 and 25.11.2019, respectively. Subsequently, respondents No. 2 and 3 had appeared before the Investigating Officer. They could not produce any compromise and stated that the same was misplaced. They had not cooperated in the investigation.

5. Separate replies on behalf of respondents No. 2 and 3 have been filed. Learned counsel appearing for these respondents has submitted that no ground has been made out for cancellation of bail granted to them. The copy of the alleged compromise was annexed with the petitions filed by them seeking grant of anticipatory bail but the petitioner never made any averment regarding the same being forged one during the proceedings in those petitions. This plea has been concocted subsequently as an afterthought. Respondents No. 2 and 3 had made payment of Rs. 42,00,000/- and Rs. 50,00,000/-, respectively to the petitioner in the presence of the witnesses and four security cheques were given to her, which had been misused by her. Even otherwise, the investigation has since been completed and challan has been filed. The pleas taken by the petitioner can only be evaluated after thorough examination of the evidence to be produced during trial. It is not the case of the petitioner that respondents No. 2 and 3 have intimidated the complainant or any witness or tampered with the evidence. The present petition has been filed with intent to misuse the process of law. It is, therefore, argued that the present petition does not deserve to be allowed.

6. This Court has heard the rival submissions.

7. Before delving into the contentions as raised by learned counsel for the parties, this Court considers 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 ***MyakalaDharmarajam 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(3) of 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 concession of pre-arrest as granted to respondents No. 2 and 3 on the grounds that they had forged the alleged compromise and the cheques given by them had bounced. However, in the considered opinion of this Court, only because of that reason, the benefit of pre-arrest as granted to respondents No. 2 and 3 cannot be cancelled since in view of the ratio of law as laid down in the authorities as cited above, it is

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explicit that order of cancellation of bail can be passed only where the same suffers from any serious infirmities resulting into miscarriage of justice or the same smacks arbitrariness, capriciousness or perversity. It is not the allegation of the petitioner that respondents No. 2 and 3 have misused the concession of bail in any other manner by not appearing before the trial Court or by tampering with the prosecution evidence or there is any likelihood of their absconding. Even otherwise, a perusal of the order dated 20.09.2019 shows that it was observed by this Court that amounts of Rs.42,00,000/- and Rs.50,00,000/- were paid by these respondents to the petitioner in pursuance of the compromise. At that point of time, the petitioner had neither raised any objection to the same nor had pleaded that the compromise was forged one and he had not received any amount of money. The grounds raised by the petitioner can be well taken up by him during the course of trial as it would need proper evaluation of the evidence to arrive at any conclusion about the authenticity of the same but these grounds do not make out any case for cancellation of anticipatory bail granted to respondents No. 2 and 3. In view of the discussion as made above, this Court finds no reason to cancel the benefit of anticipatory as granted to respondents No. 2 and 3. Accordingly, this petition is dismissed.

22.12.2025

Waseem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*