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

CRM-35947-2024 in/and
CRR-1217-2022
Date of decision: 03.03.2025

Bhupinder Singh

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankit Bhardwaj, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Sidhant Vermani, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

CRM-35947-2024

The present application has been filed under Section 482 of Cr.P.C. for placing on record the Post Mortem Report, orders of this Court, statements of the eye-witnesses and other relevant documents as Annexures R2/1 to R2/6.

In view of the averments made in the application, the same is allowed and copy of Post Mortem Report, orders of this Court, statements of the eye-witnesses and other relevant documents as Annexures R2/1 to R2/6 are taken on record subject to all just exceptions.

CRR-1217-2022

1. The present revision petition has been filed against the impugned order dated 17.05.2022 passed by the learned Additional Sessions Judge, Amritsar, whereby, the bail granted to the petitioner vide order dated 23.10.2020 in case bearing FIR No.154 dated 20.06.2020 under Sections



326/325/324/427/148/149 of IPC registered at Police Station PS Khatu Nangal, District Amritsar, has been cancelled.

2. The petitioner was granted anticipatory bail in FIR(supra) vide order dated 15.10.2020 (Annexure P-2), which was made absolute vide order dated 23.10.2020 (Annexure P-3), both passed by the learned Additional Sessions Court, Amritsar. However, FIR No.66 dated 20.04.2021 under Sections 302, 341, 148, 149 IPC was got registered by respondent No.2 at Police Station Khatu Nangal, District Amritsar, alleging that the petitioner and other accused named in FIR(supra) murdered her brother-in-law. Thereafter, an application was moved by respondent No.2 seeking cancellation of the bail granted to the petitioner, which was allowed vide impugned order dated 17.05.2022.

3. Learned counsel for the petitioner contends that an inquiry was conducted qua FIR No.66(supra) wherein the petitioner was declared innocent. The application for cancellation of bail granted to co-accused Jaspal Singh and Narinder Singh was rejected on the ground that they were found innocent on inquiry. However, the bail granted to the petitioner has been unjustly cancelled in spite of the fact that he was found innocent. Further, the bail granted to the petitioner cannot be cancelled merely on the ground that an FIR was registered subsequently.

4. *Per contra* learned counsel for respondent No.2 along with the learned State counsel opposes the prayer of the petitioner and submit that the learned Court below has correctly cancelled the bail granted to him as he has violated the conditions laid down in Section 438(2) Cr.P.C. The FIR No.66(supra) was registered against the petitioner wherein serious allegation of murder of brother-in-law of respondent No.2 has been levelled on him.



5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner was granted the concession of anticipatory bail vide order dated 15.10.2020 (Annexure P-2) , which was made absolute vide order dated 23.10.2020 (Annexure P-3) by the learned Court below. While the petitioner was on bail, Baljinder Singh, who was a witness in FIR(supra) was murdered. Accordingly, FIR No.66(supra) was registered against him. Evidently, the petitioner has misused the liberty granted to him by engaging in violent activities and hampering the process of justice.

6. The parameters for denying bail and cancelling the same are quite varied. Denial of bail is a matter of discretion and can be decided upon without inspecting the details of the matter. If the Court is of the opinion that the accused is likely to misuse the liberty granted to him, it can deny bail simply on the basis of gravity of the offence. However, cancellation would amount to curtailment of the liberty already granted to an under-trial accused, which cannot be embarked upon in a cursory fashion. Only if a grave error is highlighted in the order granted bail or it is evident that the accused is misusing the concession, can the Court consider cancellation.

7. The scope and power of the judicial review of an order granting bail has been illustrated by the Hon'ble Supreme Court in ***Dolat Ram and others vs. State of Haryana (1995) 1 SCC 349***, as follows:-

*“(i) interference or attempt to interfere with the due course of administration of justice;
(ii) evasion or attempt to evade the due course of justice;
(iii) abuse of the concession granted to the accused in any manner;
(iv) possibility of the accused absconding;
(v) likelihood of/actual misuse of bail;
(vi)likelihood of the accused tampering with the evidence or threatening witnesses.”*



8. A three Judge Bench of the Hon'ble Supreme Court in ***Deepak Yadav vs. State of Uttar Pradesh and another (2022) 8 SCC 559***, speaking through Justice Krishna Murari, observed as follows:

“33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:

33.1. Where the Court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.

33.2. Where the Court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.

33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.

33.4. Where bail has been granted on untenable grounds.

33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.

33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.

33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.”

9. In view of the discussion above, this Court is of the considered opinion that by his conduct, the petitioner has exhibited that he cannot be entrusted with the concession of anticipatory bail. His engagement in a violent act of such nature not only shows his disregard for law but also increases the likelihood of tampering with evidence and threatening witnesses. As such, the decision of the learned Court below to cancel the bail granted to him meets the objective standard of reason and justice.

10. Accordingly, the present petition is dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.03.2025
Neha

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