



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

208

CRM-M-25073-2024

Date of decision: May 15th, 2025

Babita @ Kavita

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravi Kumar Girdhwal, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

Mr. Amit Kumar, Advocate
for Mr. Anshuman Dalal, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J.

The petitioner has challenged the impugned order dated 22.04.2024 passed by learned Additional Sessions Judge, Jhajjar, vide which respondent No.2-accused was extended the concession of anticipatory bail in FIR No.61 dated 22.03.2024 under Sections 307, 323, 506, 34 of the IPC registered at Police Station Beri, District Jhajjar, on grounds of alleged non-application of mind and improper appreciation of the gravity of the offence by the learned trial Court while enlarging the accused on anticipatory bail.

2. Learned counsel for the petitioner has contended that the learned trial Court failed to consider the seriousness of the allegations, specifically the charge that the respondent No.2 (accused) attempted to drive a tractor over the petitioner while she was working in the fields. Though the petitioner admittedly did not suffer any serious injuries

except for a simple injury, it is argued that the intention of respondent No.2 was to commit murder, and the existence of prior enmity between the parties allegedly formed the motive behind this act. Hence, it is submitted that the impugned order suffers from illegality and deserves to be set aside.

3. *Per contra*, learned counsel appearing for respondent No.2 has vehemently opposed the prayer and submissions made by the counsel opposite and submitted that the allegations are baseless and the result of pre-existing hostility between the parties. It has been pointed out that previous complaints were made by the petitioner party, all of which were found to be false upon inquiry, save for one instance that merely resulted in a preventive action under Sections 107/151 of the Cr.P.C. Further, it is submitted that since the grant of bail, respondent No.2 has neither been involved in any subsequent criminal activity nor has he misused the liberty granted to him in any manner-by threatening the petitioner, tampering with evidence, or otherwise breaching the conditions imposed upon him while being granted bail.

4. The learned State counsel, upon instructions, has corroborated the submissions made on behalf of respondent No.2. Learned State counsel has conceded that no violation of any bail conditions or misconduct by respondent No.2 has been reported to the police. It has also not been disputed that the injuries sustained by the petitioner, if any, were of a simple nature.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. It is trite law that once bail has been granted by a competent Court, its cancellation must be premised on substantial and

compelling reasons. Mere disagreement with the grant of bail or reiteration of the seriousness of the offence does not suffice. It has been repeatedly held by the Hon'ble Supreme Court that bail once granted should not be cancelled in the absence of supervening circumstances such as:

- Misuse of the liberty granted,
- Attempts to tamper with evidence,
- Threatening or intimidating witnesses,
- Absconding or evading the legal process, or
- Committing similar offences while on bail.

7. In the present case, the petitioner has not been able to demonstrate any of the above grounds. There is no material to show that respondent No.2 has attempted to interfere with the trial, threaten the complainant, or committed any subsequent offence. Allegations made by the petitioner regarding the gravity of the offence and the motive behind it were already before the trial Court at the time when the bail was granted to the respondent No.2. The learned trial Court, having considered the same, exercised its discretion and granted bail. The mere assertion that the trial Court ought to have taken a different view does not, by itself, justify cancellation of bail.

8. Judicial discretion in granting bail is to be respected unless shown to be exercised arbitrarily, capriciously or perversely. In the present case, no such infirmity in the impugned order has been pointed out. On the contrary, it is evident that the conduct of respondent No.2 after being granted bail vide the impugned order has remained within the bounds of law, and no subsequent event has taken place to warrant interference with the liberty already granted.

9. In view of the foregoing discussion and in the absence of any material demonstrating misuse of liberty or supervening circumstances, justifying cancellation, this Court finds no merit in the present petition.

10. Accordingly, the instant petition is dismissed.

11. 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.

May 15th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No