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

**CRM-M-27153-2025 (O&M)
Date of decision: 19.05.2025**

Naseeb Singh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ramesh Hooda, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for cancellation of anticipatory bail granted to respondent No.2 by learned Additional Sessions Judge, Gurugram vide order dated 24.04.2025 (Annexure P-13), in FIR No.368 dated 14.09.2023 under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Furrukh Nagar, District Gurugram.

2. Learned counsel for the petitioner, *inter alia*, contends that learned Additional Sessions Judge, Gurugram fell into grave error by granting anticipatory bail to respondent No.2 without adverting to the factual matrix.



Further, respondent No.2 obtained employment by forgery and her complicity in obtaining the employment through fraudulent means has been duly proved in view of the inquiry conducted by Lokayukta, Haryana. It is further contended that learned trial Court granted the concession of anticipatory bail to respondent No.2 merely on the ground that she joined the investigation, however, the fact, that she is an accused of heinous crime, has not been considered and she has been able to take benefit of her employment obtained fraudulently, for the last about 16 years. As such, the impugned order (Annexure P-13) is liable to be set aside and the anticipatory bail granted to respondent No.2 deserves to be cancelled.

3. Having heard learned counsel for the petitioner and after perusing the record of the case with his able assistance, this Court finds no force in the arguments advanced on behalf of the petitioner.

4. Perusal of the impugned order dated 24.04.2025 (Annexure P-13) indicates that the petitioner challenged reinstatement of respondent No.2 by filing a petition i.e. CWP-20705-2023. Further, respondent No.2 had retired from service on 30.09.2023, she is about 60 years of age and is not having any criminal antecedents. She has fully cooperated in the investigation. Furthermore, the entire case of the prosecution is based upon the documentary evidence, which is already in possession of the Investigating Officer. The aforesaid order dated 24.04.2025 (Annexure P-13) passed by learned Additional Sessions Judge, Gurugram, granting the concession of anticipatory



bail to respondent No.2, reads as under: -

“Vide order dated 11.04.2025, this Court directed as follows :

“In view of the foregoing, and without expressing any opinion on the merits of the case, it is directed that the applicant shall join the investigation before 23.04.2025. In the event, she appears and cooperates with the investigation, she shall be released on interim bail to the satisfaction of the Investigating Officer/SHO. The Investigating Agency shall be at liberty to interrogate her in accordance with law. A status report regarding her appearance and cooperation shall be filed before this Court on the said date. It is made clear that the applicant shall extend full cooperation, and any failure to comply with the above directions shall entitle the Investigating Agency to take steps as permissible under law.”

2. Prosecution has filed the status report. The status report indicates that the applicant has joined the investigation on 17.04.2025. It is inter-alia mentioned that the sample signatures of the applicant are required to be obtained for forwarding the same to FSL, Madhuban. It is also mentioned that Mauji Ram is still to be arrested.

3. Learned counsel for the applicant has submitted that the applicant has duly joined the investigation in compliance with the order dated 11.04.2025 and undertakes to continue cooperating with the investigation as and when required. Ld counsel has further submitted that the applicant has never refused to provide her sample signatures and is willing to furnish the same as per the directions of the Investigating Officer.

4. On the other hand, the complainant has submitted that



during the investigation, certain relevant questions were not posed to the applicant by the Investigating Officer. The complainant has submitted that the applicant had stated she came to know about the vacancy on 30.09.2007 and yet the interview and result were purportedly conducted on the same day, indicating fabrication. The complainant has further submitted that despite a communication from the Employment Exchange on 05.09.2024 indicating that no record was available and that the applicant was not eligible for the TGT post, the Investigating Officer failed to interrogate the applicant on this crucial aspect. It is thus contended that the investigation appears to be biased and in favour of the applicant. The complainant has relied upon the case law Ramu@ Manvendra Gurjar Versus The State of Madhya Pradesh and Others (Neutral Citation No. 2025: MPHC-GWL 8289). The prayer was made to dismiss the bail application. The Id PP has submitted that investigation is pending, and Mauji Ram is still to be arrested.

5. In response, learned counsel for the applicant has submitted that if the complainant is dissatisfied with the manner of investigation, appropriate remedies are available under law, including the option to seek further investigation before the competent court. However, the complainant cannot dictate the course of investigation or compel the Investigating Officer to act in a particular manner. 6. Having heard the submissions and perused the record, it is evident from the status report that the applicant has duly joined the investigation and is not alleged to have evaded or obstructed the same. The report does not reflect any non-cooperation on her part. Mere dissatisfaction of the complainant regarding the mode or scope of interrogation does not justify denial of bail at this stage, especially when the



applicant has expressed willingness to furnish the required sample signatures and to cooperate further with the Investigation.

7. *The reliance placed by the complainant on the decision in Ramu @ Manvendra Singh Gurjar vs. The State of Madhya Pradesh (M.Cr.C. No. 4578 of 2025, decided on 16.04.2025) is misplaced and distinguishable on facts. In that case, there was a categorical direction by the Trial Court to preserve specific digital evidence, namely, call detail records and mobile location data, which was admittedly received by the then Superintendent of Police but was deliberately withheld from the court, resulting in suppression of material evidence. The Hon'ble High Court in that context found a clear breach of judicial order and a calculated obstruction of the truth-seeking process. In contrast, in the present case, investigating officer is still conducting the investigation. The applicant has joined investigation pursuant to the court's direction, and there is no material in the status report to suggest non-cooperation or evasion. The cited judgment, therefore, does not support the complainant's case in the factual matrix at hand at this stage.*

8. *In view of the above, and considering the nature of allegations, and the fact that the applicant has joined the investigation; and further, that the allegations in the present case, as observed in the order dated 11.04.2025, are based on official records such as appointment letters, attendance registers, departmental enquiry reports, and communications from the employment exchange, making the matter predominantly documentary in nature; and also taking note that the status report does not reflect any non-cooperation on the part of the applicant, who has expressed readiness to provide sample signatures if required, the interim bail granted to the accused vide order dated*

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11.04.2025 is hereby made absolute, subject to the following conditions:

- 1. The accused shall continue to cooperate with the investigation and appear before the Investigating Officer as and when required.*
- 2. The accused shall not, directly or indirectly, make any inducement, threat, or promise to any witness or the complainant, nor tamper with the evidence in any manner.*
- 3. The accused shall furnish her current residential address and contact number to the Investigating Officer and inform the IO/Court of any change in address. Application stands disposed of accordingly. The file be consigned to the record room after due compliance.”*
5. Further, learned counsel for the petitioner has not been able to indicate any reasons necessitating cancellation of anticipatory bail granted to respondent No.2. Nowhere has it been indicated that the petitioner or the sanctity of the trial will be adversely affected, if respondent No.2 continues to enjoy the concession of bail. The scope of interference by the Courts qua cancellation of bail is rather limited and adjudication upon the alleged facts, does not fall within its purview.
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 undertrial 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***, which is 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.

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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 aforementioned judgments rendered by the Hon’ble Supreme Court, this Court is of the considered view that cancellation of anticipatory bail granted to respondent No.2 would not meet the objective standard of reason and justice. Learned counsel for the petitioner has been unable to indicate any perversity in the impugned order dated 24.04.2025 (Annexure P-13) or demonstrate any conduct on the part of respondent No.2, that would warrant interference by this Court.

10. Accordingly, the present petition is dismissed. The impugned order dated 24.04.2025 (Annexure P-13) passed by learned Additional Sessions Judge, Gurugram is hereby upheld.

11. All the pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

19.05.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No