



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

103-1

**CRM-M-34095-2022
Date of Decision: 04.09.2025**

SAT PARKASH KAPILA**....Petitioner**

Versus

STATE OF PUNJAB AND OTHERS**....Respondents****CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Vinay Puri, Advocate
for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

Dr. Rau P.S. Girwar, Advocate with
Ms. Archana Arora Rau, Advocate,
Ms. K.T. Rau, Advocate and
Mr. Ashish Sharma, Advocate for respondent Nos.2 and 3.

RUPINDERJIT CHAHAL, J (ORAL)

1. By filing the present petition, under Section 439(2), the complainant/petitioner seeks cancellation of the anticipatory bail granted to accused-respondent Nos.2-Santosh Devi and No.3-Pardeep Kumar vide order dated 29.04.2022 (Annexure P-4), and which was further confirmed vide order dated 02.06.2022 (Annexure P-5) by Additional Sessions Judge, Bathinda in case FIR No.38 dated 21.04.2022 under Sections 306, 34 IPC, at Police Station S.G.N. Dev Thermal Plant, Bathinda.
2. Learned counsel for the petitioner has argued that no opportunity was granted to the complainant before passing the impugned orders dated 29.04.2022 and 02.06.2022. He further contended that there is



apprehension that respondent Nos.2 and 3 will misuse the concession of the bail and would destroy the crucial evidence which will impact the proceedings before the trial Court, hence he prays for cancellation of the anticipatory bail of respondent Nos. 2 and 3.

3. *Per contra*, while defending the anticipatory bail order, learned counsel for the accused/respondent Nos.2 and 3 has submitted that the anticipatory bail was granted on 29.04.2022 and learned State counsel put in appearance and objected to the grant of bail. There is nothing on record to suggest that respondent Nos.2 and 3 has misused the concession of bail. Hence, he prays for dismissal of the present petition.

4. Arguments heard and paper-book perused with the assistance of learned counsel for the parties.

5. Perusal of the impugned order reveals that Sh. D.S. Sra, Addl. P.P. had appeared on behalf of the State and the bail was granted after passing a speaking order. In the present case, investigation has been completed and challan has been presented and there is nothing on record to suggest that till date respondent Nos.2 and 3 have misused the concession of bail. It is well-settled law that a bail, once granted by a competent Court, can be cancelled only in case of very strong and overwhelming circumstances, which in the present case, is missing.

6. A three-Judge Bench of Hon'ble the Supreme Court in ***State (Delhi Administration) v. Sanjay Gandhi 1978(2) SCC 411*** made the following elemental distinction in defining the nature of exercise while cancelling bail:

“Rejection of bail when bail is applied for is one thing; cancellation of bail already granted is quite another, It is easier to reject a bail



application in a non-bailable case than to cancel a bail already granted in such a case. Cancellation of bail Necessarily involves the review of a decision already made and can by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial.”

7. Neither any serious misconduct on the part of the accused is alleged after bail was granted to them, nor there is discovery of fresh evidence or material change in circumstances after passing of the impugned order.

8. Hence, in view of the facts and legal position explained above, this Court finds no ground to interfere in the impugned order, the petition is dismissed.

(RUPINDERJIT CHAHAL)
JUDGE

04.09.2025
Mohit Bishnoi

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