

2025.PHHC.175882



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29367-2025 (O&M)

Gurjit Singh

Versus

State of Punjab and others

.... Petitioner

...Respondents

1	The date when the judgment is reserved	19.11.2025
2	The date when the judgment is pronounced	19.12.2025
3	The date when the judgment is uploaded on the website	21.12.2025
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment and reasons thereof.	Not applicable

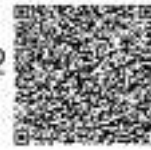
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Dhillon, Advocate for the petitioner.,
Ms. Sakshi Bakshi, AAG, Punjab
Mr. Kamal Narula, Advocate for respondent Nos.2 to 4

MANISHA BATRA, J. :-

1. The instant petition has been filed under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking cancellation of benefit of pre-arrest bail as granted to respondent Nos. 2 to 4 vide order dated 07.04.2025 passed by learned Additional Sessions Judge, Fazilka in case bearing FIR No.54 dated 14.03.2025 under Sections 103 (302 IPC), 167 and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short “BNS”) [offence under Section 3(5) was deleted and Section 190 was

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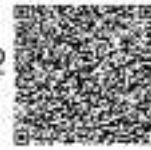


added later on vide Rapat No.32 dated 16.03.2025) registered at Police Station City-1, Abohar, District Fazilka.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint submitted by the complainant-Gurjit Singh alleging that on the evening of 10.03.2025, his son Arman Singh had been called outside his house by neighbour Narinder Singh @ Nindi and had gone alongwith him. The complainant-petitioner while making search for his son had gone to the house of Narinder Singh @ Nindi and his mother i.e. respondent No.2-Krishna Rani and other family members had told him that his son had gone from there. By suspecting that Narinder Singh @ Nindi and Akash who were drug addicts might have killed his son, he prayed for taking action in the matter. Investigation proceedings were initiated. The dead body of the victim was recovered from Canal Ajamwala minor at Village Jandwala Meera Sangla. The respondent Nos.2 to 4 were nominated as accused on the allegations that in connivance with each other and co-accused Narinder Singh had committed murder of the victim. The respondent Nos. 2 to 4 moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Fazilka which was allowed vide order dated 07.04.2025. They were directed to join the investigation and joined the same. Investigation now stands completed and challan has been presented against the respondent Nos.2 to 4.

3. It is argued by learned counsel for the complaint-petitioner that he had recorded a supplementary statement on 16.03.2025 on the basis

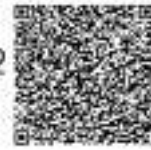
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of which a general diary entry No.32 had been made by the Police. His statement to that effect has prima facie established the direct involvement of the respondent Nos.2 to 4 in the murder of his son. They in connivance with each other and co-accused Narinder Singh and Akashdeep had injected some synthetic drug to the victim and when he had become unconscious, they had dumped his dead body in a canal. It was recovered after a gap of 04 days. The respondents and their family members are involved in illicit drug trade. They are habitual offenders. Several cases under the provisions of NDPS Act have been registered against them. They are even history-sheeters. They have been wrongly extended benefit of pre-arrest bail. While passing the impugned order, the learned Additional Sessions Judge, Fazilka ignored the fact that a heinous crime was committed by respondent Nos.2 to 4. Opportunity to conduct proper and thorough investigation had not been given. A grave error has been committed. After getting concession of bail, the respondent Nos.2 to 4 have been openly threatening the family members of the petitioners and are exerting pressure upon them to not to pursue the FIR lodged against them. It is, therefore, urged that the benefit of bail granted to them is liable to be cancelled and with these broad submissions, it is urged that the petition deserves to be allowed.

4. The respondent No.1-State has filed reply and has supported the claim of the petitioner that respondent Nos.2 to 4 were not entitled to the concession of bail.

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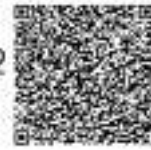


5. Respondent Nos.2 to 4 have filed a joint reply by way of affidavit. It is argued by their counsel that the case is based on circumstantial evidence. There is no eye-witness to the murder of the victim. They had no role to play in the incident. They have been implicated only on account of being family members of accused-Narinder Singh. No evidence has been collected to connect them with the crime. The petitioner has not brought any material on record to show that they have exerted any pressure or threat to him. The accused-Narinder Singh and Akash are already behind the bars. The learned Additional Sessions Judge, Fazilka after considering all facts and circumstances had passed a well-reasoned order, thereby extending benefit of pre-arrest bail to them. No ground has been made out for cancellation of that benefit. It is, thus, argued that the petition is devoid of any merits and is liable to be dismissed. In support of his contention, learned counsel for the respondents has placed reliance upon *Abhimanyu and Others Versus State of Kerala 2025 SCC Online SC 2037*.

6. This Court has heard the rival submissions.

7. Before delving into the contentions as raised by learned counsel for the parties, I consider 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 *Myakala Dharmarajam 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

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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 483(2) of BNSS 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 bail of respondent Nos. 2 to 4 on the ground that the allegations against them are serious in nature and they in connivance with the co-accused Narinder and Akashdeep have murdered the son of the petitioner. So far as the gravity of the nature of allegations against them is concerned, the trial Court while deciding the

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prayer of the respondents Nos.2 to 4 for grant of pre-arrest bail is shown to have taken into consideration the contentions raised by the parties. There is nothing on record to show that these respondents have, in any manner, misused the concession of bail. Though, the petitioner has levelled allegations against them of extending threats to him and his family members, however, there is nothing on record to support such claim. The bare allegations made against them do not form a basis for cancellation of their bail. Had these respondents extended any threat to the petitioner, then he must have got lodged some complaint against them but this is not the case of the petitioner. It is also not the allegation of the petitioner that respondents No. 2 to 4 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. So far as the allegations levelled in the FIR are concerned, the same have already been taken into consideration by learned Additional Sessions Judge while granting benefit of pre-arrest bail to respondent Nos.2 to 4. Therefore, in view of the discussion as made above, no case has been made out to cancel the benefit of pre-arrest bail granted to respondents Nos. 2 to 4. Hence, this petition is dismissed.

19.12.2025

Waseem Ansari/Amit Sharma

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No