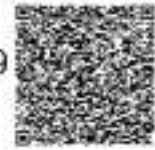


2025:PHHC:156489



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

203

CRM-M-31121-2025 (O&M)
Date of decision : 11.11.2025

Kanwarnonihal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. G. S. Bhangu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Vikas Gupta, Advocate
for respondent No. 2/accused.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner/complainant under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') seeking cancellation of pre-arrest bail granted to respondent No. 2 in FIR No. 0008 dated 26.01.2025, registered under Sections 333, 118(2), 324(4), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS') at Police Station Sirhali, District Tarn Taran by the Court of learned Additional Sessions Judge, Tarn Taran, vide order dated 16.04.2025.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of the statement recorded by the petitioner on 26.01.2025 alleging that on

13.01.2025, he along with his brother and cousin brother was flying kites on his terrace. Respondent No. 2 Lovepreet Singh, who is residing in his neighbourhood along with other accused, was also flying kites on the terrace of his house. They were also playing DJ loudly and were indulged into the acts of hooliganism and using abusive language. When the complainant asked them to not to do so, they felt offended and after entering into the house of the complainant, they assaulted him and caused injuries to him. The household articles lying in his house were also damaged. After registration of the FIR, investigation proceedings were initiated. Respondent No. 2 moved an application for grant of benefit of pre-arrest bail before the aforementioned Court and vide order dated 09.04.2025, he was directed to join the investigation and then vide order dated 16.04.2025, the order granting interim bail to respondent No. 2 was made absolute. Aggrieved from the same, the petitioner has filed the present petition.

3. It is argued by learned counsel for the petitioner that while passing the impugned order, the Court concerned did not consider the fact that he had sustained serious injuries on his person and in view of the allegations levelled in the FIR, respondent No. 2 did not deserve to be given concession of anticipatory bail. It is further argued that after passing of the impugned order dated 16.04.2025, respondent No. 2 misused the same as on 08.05.2025, he extended threat to the petitioner to effect a compromise in the matter with him and otherwise to face dire consequences. The petitioner had even filed a representation dated 09.05.2025 before the police authorities but no steps were taken against respondent No. 2. It is argued that respondent No.

2 is the main accused and had caused injuries on vital part of his body. The investigation is still at its nascent stage. Co-accused, who is brother of respondent No. 2, is still absconding. They are living in neighbourhood and, therefore, their proximity has raised serious concerns about the possibility of threats, intimidation or coercion on the part of respondent No. 2. It is, thus, urged that the impugned order is liable to be set aside and the instant petition deserves to be allowed, thereby withdrawing the concession of anticipatory bail granted to respondent No. 2.

4. Respondent No. 1-State has filed reply. Learned State counsel, however, has chosen not to address any argument in the matter.

5. Reply has also been filed by respondent No. 2. It is argued by his counsel that the petition is not maintainable as it seeks re-appreciation of the same facts, which were already considered by the Court concerned while granting concession of anticipatory bail to him. There is no supervening circumstance or event justifying cancellation of bail granted to him. Investigation stands completed. Even challan has been filed. Custodial interrogation of respondent No. 2 is not at all required. The allegations of extending threat to the petitioner on 08.05.2025 are totally vague and unsubstantiated. The petitioner has not produced any material on record to prove that respondent No. 2 as misused the concession of bail in any manner. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. Before delving into the contentions as raised by learned counsel for the parties, this Court considers 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 ***MyakalaDharmarajam 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 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 ***SushilaAggarwal 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(3) 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 concession of pre-arrest bail as granted to respondent No. 2 on the grounds that the Court concerned has not taken into consideration that he had sustained serious injuries at the hands of respondent No. 2 and other accused and that respondent No. 2 had misused concession of bail as he had extended threat to him on 08.05.2025. However, a perusal of the orders passed by the Court concerned reveals that the same were passed after due consideration of all relevant aspects of the matter. As regards the allegation of threats extended to the petitioner, no material has been placed on record to substantiate such a claim. A mere assertion that respondent No. 2 extended threats cannot, by itself, constitute a sufficient ground for cancellation of bail. In view of the discussion as made above, this Court finds no reason to cancel the benefit of pre-arrest bail granted to respondent No. 2. Accordingly, the petition is dismissed.

11.11.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>