



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-40390-2024

Chinku Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	19.11.2025
2	The date when the judgment is pronounced	28.11.2025
3	The date when the judgment is uploaded on the website	28.11.2025
4	Whether only operative part of the judgment is pronounced or 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. Rajbir Singh Attri, Advocate for the petitioner.
Mr. Apoorv Garg, Additional Advocate General, Haryana.
Mr. Sachin Rai Vaid, Advocate for respondents No. 2 and 3.

MANISHA BATRA, J :-

The present petition has been filed by the petitioner/complainant under Section 480(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking cancellation of pre-arrest bail as granted to respondent Nos. 2 and 3 in FIR No. 366 dated 28.11.2022, registered under Sections 148, 149, 323, 325 and 506 of IPC at Police Station Barara, District Ambala.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement got recorded by the petitioner-complainant alleging therein that on the night of 27.11.2022, when he was going for a walk, he was intercepted by the respondents No. 2, 3 with other co-accused, who were armed with



weapons. They firstly hurled abuses to him, then they opened an attack upon him with their respective weapons. On clamour being raised by him, they fled from the spot. After registration of FIR, investigation proceedings were initiated. During the course of investigation, the respondents No. 2 and 3 moved an application for grant of pre-arrest bail which was allowed by the Court of learned Additional Sessions Judge, Ambala vide order dated 03.07.2024.

3. It is argued by learned counsel for the petitioner-complainant that the impugned order dated 03.07.2024 had been wrongly passed by the learned Additional Sessions Judge, Ambala. The petitioner and other material prosecution witnesses are apprehending danger of their lives at the hands of the respondents No. 2 and 3. The witness Naveen has not come forward to record his statement before the trial Court out of fear of the respondents No. 2 and 3 who are having criminal antecedents. It is argued that while granting bail to these respondents No. 2 and 3, the concerned Court did not take into consideration the material facts. It is, therefore, urged that the petition deserves to be allowed and the benefit of bail as given to the respondents No. 2 and 3 is liable to be cancelled.

4. The respondent-State has filed reply, however, learned State counsel has not raised any serious contention in favour of the petitioner.

5. The respondents No. 2 and 3 has filed a joint reply. It is argued by their counsel that no term and condition of grant of bail has been violated by them. Rather, all the prosecution witnesses have since been examined and the case is at its fag end i.e. at the stage of producing defence evidence. No ground for allowing the present petition is made out. It is, therefore, argued that the petition does not deserve to be allowed.



6. This Court has heard learned counsel for the parties at considerable length.

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 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 480(5) BNSS is to be exercised only if it is proved that the 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.

9. The petitioner in this case has sought cancellation of concession of pre-arrest bail as granted to respondents No.2 and 3 mainly on the ground that he himself and other Pws had apprehending danger to their life at the hands of these respondents and following which the witness Naveen has not come forward for recording his statement in the concerned case. However, in their reply filed subsequently, the respondents No. 2 and 3 had submitted that all the prosecution witnesses have since been examined and the case is at the defence stage and this fact has not been controverted by the petitioner. It is not the case of the petitioner that the respondents No. 2 and 3 have violated any term and condition for grant of bail or that they have not been appearing before the learned trial Court or that they have mis-conducted themselves in any manner.

10. There is also no material on record to show that the respondents No. 2 and 3 have misused the liberty of bail as granted to them by violating any condition of the same. In view of the discussion made above, this Court finds no reason to cancel the pre-arrest bail as granted to respondents No. 2 and 3. As such, the petition is dismissed.

[MANISHA BATRA]
JUDGE

28th November, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |