

2025:PHHC:094930



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

**CRM-M-39756-2025
DECIDED ON: 29.07.2025**

SANDEEP KUMAR DHAWAN

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amritpal Singh Gill , Advocate
for the petitioner

Mr. TPS Walia, AAG Punjab

Ms. Anmol, Advocate for respondent No. 3.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 528 of B.N.S.S. read with section 483 (3) B.N.S.S. praying for cancellation of Regular Bail granted to the respondent No. 3 by this Court vide order dated 15.07.2024 (Annexure P-2) passed in CRM-M-20073 of 2024, in case FIR No. 370 dated 25.09.2022, under Sections 307, 323, 148, 149, 120-B IPC, 1860 and sections 25, 27 Arms Act, 1959 registered at Police Station City Ferozepur, District Ferozepur (Annexure P-1), for threatening and attacking the petitioner and violating the conditions of the order dated 15.07.2024 and of Section 482 BNSS, in the interest of justice.

2. Brief facts of the case read as under:-

“12. First Information Contents:- Statement of Sandeep Kumar Dhawan son of Raj Kumar Dhawan resident of House no. 16/13 inside Kasoori Gate, Ferozepur City, aged about 42 years M.No.98140-16800. Stated that I am resident of above given address. We are three brothers and one sister and all are married. We have a joint family and we have two shops in the name and style of Sai Paint Store at Ferozepur, on the shop of Malwal road I and my brother Amit sit and Manish Dhawan is sitting at Kasoori Gate Wali shop. Today, on 24.09.2022 time would be around 4:00 PM, then as usual after taking meal, from the house I was going towards my shop situated on Malwal road. When I reached Modi Mill near Joshan Dairy then Parvinder alias Pintu Kapahi son of Ram Parkash resident of Kasoori Gate and Pawan alias Pamma Mehta were standing, who stopped me by calling and said that today they will finish the matter. Then I told about this to my younger brother Amit Dhawan on phone, then after some time my brother Amit reached at the spot. In the meantime one Govt. vehicle make Innova in which Pardhan Rinku Grover, M.C. Parminder Singh alias Handa, Ex-M.C. Markas Bhatti son of Punnu Bhatti resident of Shanti Nagar, Ferozepur, and the vehicle was being driven by Kashmir's son resident of Shanti Nagar and out of which the in-laws of Pintu Kapahi name Varinder Kataria alongwith his son Kush Kataria armed with kirpan, Pintu Kapahi's brother Sonu Kapäti armed with kirpan and 2-3 unidentified persons to whom I can recognize if brought before me, came there. In the meantime Parminder Singh alias Handa raised lalkara and said that today they should not go scot free and Pardhan Rinku Grover pushed me and in the meantime Parvinder alias Pintu Kapahi by taking out revolver from his dub with an intention to kill fired on my younger brother Amit Dhawan, who saved his life by bowing down and Markas Bhatti and Kashmir's son chased my brother. When he went ahead then Pintu alias Kapahi fired upon me with an intention to kill me, which hit on my left side of waist, I ran away and all of them chased me and while I was running Pintu Kapahi's brother Sonu

Kapahi gave his kirpan blow, which hit on my leg and one blow was given to me by Kush Kataria, which also hit on my leg and all these persons also gave me a lot of beatings and I fell down and I raised noise "Maarta-Maarta" and on seeing the people gathering there they all ran away from the spot alongwith their weapons and my relative by arranging vehicle got me admitted at Anil Baghi Hospital, where doctor after giving me first aid referred me to DMC Hospital, Ludhiana, where I am under treatment. The reason of grudge is that my brother Manish Dhawan in the year 2021 had contested the M.C. Election against Parvinder alias Pintu Kapahi. Gulshan Monga was helping Pintu Kapahi, therefore, today all these persons on the instigation of Gulshan Moga, Advocate, by firing with an intention to kill us have attacked on us. That legal action be taken against all these persons and justice be given to us. have got recorded the statement to you, heard, which is correct. Action be taken. Sd/ Sandeep Kumar Dhawan, above said. Statement corroborated Sd/- Amit Dhawan son of Raj Kumar Dhawan Attested-Sd/- Sharma Singh AS P.S. City Ferozepur dated 25.09.2022."

3 **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the charges were framed by the Trial Court on 24.03.2025 and the prosecution witnesses were summoned and examined in chief on 30.04.2025 as PW1 and the cross examination of the petitioner was deferred on the request of the counsel for the accused and case was adjourned to 09.05.2025. However the petitioner was not cross-examined on 09.05.2025 and case was adjourned to 26.05.2025. He further submits that on 23.05.2025, when the petitioner was about to leave after closing his shop along with his mother, respondent no.3 and his brother and nephew came outside the shop and again threatened that if the petitioner deposed against them, they will kill the petitioner and his family. The respondent No.3 and others also

threw brick bats at the petitioner and his mother, however the petitioner and his mother survived luckily and managed to escape. The said incident was recorded in the CCTV camera installed outside the shop of the petitioner and was reported to the police P.S. City Ferozepur on the same night, however no action was taken.

4. Contention

On behalf of the Respondent No.3

Learned counsel for respondent No.3 submits that no injury has been attributed to him to any member of the complainant party and that nothing is to be recovered from his possession. She further contended that grant of bail is a valuable right, which has been vested in respondent no.3- accused and that law is well settled that bail once granted can be cancelled only if accused misuses his liberty by indulging in similar activity however, no such ground exists for cancellation of bail granted to respondent No.3.

5. Analysis

Considerations and relevant aspects by a Court while granting a bail are different than those when an application for cancellation of bail has come up before the Court and this aspect has been considered by a three-Judges Bench of Supreme Court in [State \(Delhi Administration\) vs. Sanjay Gandhi \(1978\) 2 SCC 411](#) which considered an order dated 11.04.1978 passed by Delhi High Court rejecting Delhi Administration's application for cancellation of bail of respondent Sanjay Gandhi. Court observed that rejection of bail, when bail applied 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 granted in such a case. Cancellation of bail necessarily involves 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 accused to retain his freedom during the trial.

In the present case, the argument raised by the petitioner-complainant appears to be not a valid and justifiable ground for cancellation of regular bail to the respondent No.3 granted vide order dated 15.07.2024. Though it is well settled that there is no straight jacket formula to assess the application for grant or rejection of bail but its determination involves balancing of numerous factors including the nature of offence, severity of punishment and prima facie view of the involvement of accused.

In '*Myakala Dharmarajam Vs. The State of Telangana, (2020) 2 SCC 743*,' it has been held by the Supreme Court: -

"In Raghbir Singh v. State of Bihar, (1986) 4 SCC 481 this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.

The grounds taken by the petitioner are solely based on factual aspects without touching the merits of the case inasmuch as mere winning the election as Municipal Councillor of the then ruling party and his being a politically influential person cannot be taken to draw an adverse inference against the conduct of the respondent No.3 who is on bail. I am of the firm view that very

cogent and overwhelming circumstances or grounds are required to cancel the bail already granted. Ordinarily, unless a strong case based on any supervening event is made out, an order granting bail cannot be interfered with under Section 438(3) BNSS.

In view of the above discussion, this petition is devoid of merit and is accordingly dismissed.

(SANDEEP MOUDGIL)
JUDGE

29.07.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No