



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-39849-2025
Decided on : 19.12.2025

Mohit

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rakesh Nehra, Advocate and
Mr. Reetesh Kumar, Advocate, for the petitioner(s).

Mr. Amish Sharma, AAG, Haryana.

Mr. Manoj Tanwar, Advocate
for respondent No.2.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – **Mohit**, aged about 25 years, has filed the present petition under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), read with Section 528 BNSS, seeking cancellation of bail granted to respondent No.2 – **Rammehar**, by the learned trial Court vide order dated 29.03.2025 (Annexure P-4), passed in FIR No. 139 dated 31.05.2024, registered under Sections 302, 148, 149, 449 and 120-B of the Indian Penal Code at Police Station Salhawas, District Jhajjar.

2. Respondent No.2 was released on regular bail vide order dated 29.03.2025 (Annexure P-4), passed by the learned Additional Sessions Judge, Jhajjar. As per the allegations in the complaint submitted by the petitioner, there has been long-standing litigation for the last 20–25 years regarding property disputes, which are stated to be pending. On the basis of suspicion arising out of such litigation, the name of respondent No.2 –



Rammehar and other co-accused, namely Sanjay, Surat, Dinesh, Manoj, Ombir, Sombir, Karambir, Jaivir, Pardeep, Shakun, Sushil and Sunita, were mentioned.

While granting the concession of regular bail to respondent No.2, the learned Court below observed as under:-

“5. *Apart from that, the complainant named the petitioner-accused and others as the culprits only on the basis of suspicion, which he concluded on the basis of previous criminal litigation relating to the case of FIR No.89 dated 08.05.2015, u/s 323, 324, 506, 307, 34 IPC, P.S. Salhawas. Undoubtedly, the petitioner-accused has been one of the accused in that case and was also convicted in year 2019 but the contention of learned counsel for petitioner-accused cannot be overlooked and oversighted that since the day of registration of that criminal case and even after conviction, no other kind of untoward incident was ever complained or reported either to police or other authorities by the deceased side. In such circumstances, the previous enmity being double edged weapon, may be used at either side, cannot be ruled out. The aspect of previous enmity being double edged weapon and may be utilized by either party, would be another factor to be analyzed and adjudicated upon at the time of trial of the case.*

6. *The another noticeable attending circumstance is that the Ms. Manita, daughter of Gaje Singh (deceased), got recorded statement alleging last scene of the petitioner-accused and others in the night near the spot of the occurrence. The said statement has been recorded after delay of about 40 days from the date of occurrence. It is no where case of prosecution that the said Ms. Manita was either away from station for that period or was not in fit state of mind either due to shock or otherwise to record her statement in this regard to the Investigating Agency. Under the shadow of these attending*



circumstances, the aspect of reliability and credibility of statement of Ms. Manita, would also be scrutinized during the stage of trial of the case.

7. *The another circumstance highlighted before this Court, is that despite the availability of complainant and other family members in the very vicinity of deceased Gaje Singh, none of other family members ever noticed any kind of noise for rescue or any type of sound of appearance of the trespasser and of the blows given upon the person of Gaje Singh. Though, the bail application of co-accused, which was dealt with by the Court of learned District & Sessions Judge, Jhajjar, has been dismissed by dint of order dated 31.11.2024 but this Court do not find the sole factum as enough and justifying to decline the prayer of present bail application solely on this ground because the said bail application was decided about four months ago and even earlier to commitment of the case for trial. Considering the entirety of the circumstances discussed herein above and taken with the factum that the petitioner-accused is behind the bar since 25.08.2024 and he is aged person as well considering that the conclusion of the trial certainly will take time and no useful purpose would be served by detaining the petitioner-accused in custody for further period, this Court find it fit case to enlarge the petitioner-accused on regular bail.”*

3. There is no allegation or material placed on record to show that after grant of the concession of regular bail, respondent No.2 – Rammehar has misused the liberty, so granted in any manner. Learned counsel appearing for respondent No.2 further submits that even other co-accused, namely Surat, Sombir and Ombir, have subsequently been released on bail and there is no allegation of misuse of bail against any of the accused till date.

4. Heard.



5. The scope of interference in a petition seeking cancellation of bail already granted by a Court after due exercise of judicial discretion is extremely limited. Cancellation of bail stands on a different footing than rejection of bail, and in the absence of any supervening circumstances, misuse of liberty, or attempt to tamper with evidence or influence witnesses, such power is not to be exercised lightly. In the present case, nothing substantial has been pointed out by the petitioner for warranting cancellation of bail.

6. Petitioner stands **dismissed** accordingly.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

December 19, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No