



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

1. CRM-M-41770-2019

Khem Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

2. CRM-M-42125-2019

Khem Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

Date of decision: 2nd May, 2025

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep S. Rai, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Rajat Gautam, Advocate
Amicus Curiae for respondents No.2.

MANJARI NEHRU KAUL, J.

1. The petitioner in both the instant petitions filed under Section 439(2) of Cr.P.C. read with Section 482 Cr.P.C. has sought cancellation of bail granted to the private respondents in FIR No.183 dated 17.11.2016 (Annexure P-1) under Sections 307, 326, 325, 323, 341, 148, 149 of IPC registered at Police Station Samana, District Patiala. Since both these petitions have their genesis in the same FIR,

they are being taken up together for disposal by way of this common order.

2. Learned counsel for the petitioner/complainant is seeking cancellation of bail granted to the private respondents on the ground that they have grossly misused the concession of bail granted to them vide order dated 02.04.2019 (Annexure P-2) and have acted in blatant violation of the conditions imposed by the Court.

3. Learned counsel for the petitioner has drawn the attention of this Court to a serious incident that took place on 02.06.2019, wherein the private respondents, accompanied by certain unidentified persons allegedly arrived at the residence of Prabhjot Kaur in a Maruti car, armed with rifles, swords, and other deadly weapons. Allegedly, they forcibly broke the lock of the main gate, illegally entered the premises, and issued threats to Prabhjot Kaur and her mother. The petitioner, who is the complainant in the FIR against the private respondents, was allegedly physically assaulted, dragged by his beard, and threatened with dire consequences, including death.

4. It is further submitted that despite lodging a formal complaint at Police Station Samana, no effective action was initiated by the police. Subsequently, representations were also submitted to the Senior Superintendent of Police and the Deputy Commissioner, Patiala, but to no avail.

5. On being put to notice, learned State counsel filed reply by way of separate affidavits of Jatinder Singh Aulakh IPS, IGP Patiala

Range, Patiala and Guriqbal Singh, PPS, DSP Sub Division Samana, District Patiala. Although as per office report, service upon the private respondents was affected however, despite the case being adjourned repeatedly none entered appearance on behalf of the private respondents. Resultantly, Mr. Rajat Gautam, Advocate was appointed as Amicus Curiae to assist this Court on behalf of the private respondents.

6. Learned State counsel has submitted, on instructions, that preliminary inquiry was conducted by the SHO, Police Station Sadar Samana. During the inquiry, CCTV footage was collected from the complainant, which clearly depicts the presence of the private respondents at the premises of Prabhjot Kaur.

7. Learned Amicus, on the other hand, has submitted that the authenticity of the CCTV footage collected from the complainant would be put to test only during trial and it apparently is a fabricated footage just to falsely implicate the private respondents on account of their strained relations and to curtail their liberty, which was granted by this Court vide orders dated 02.04.2019 and 15.12.2017. It has also been submitted that even otherwise, in the CCTV footage, the private respondents appeared to be unarmed.

8. However, learned State counsel has, on the other hand, submitted that although the private respondents appeared to be unarmed in the footage, the factum of their unauthorized entry into the premises stands substantiated.

9. Learned State counsel has further submitted that in view of the aforesaid incident, a separate FIR No.209 dated 11.11.2019 was registered under Section 323, 355, 452, 506, 148, 149 IPC read with sections 25/27/54/59 of the Arms Act against the private respondents. They were subsequently arrested on 20.02.2020 and in that FIR the challan has been presented before the competent Court, where the trial is now pending against the private respondents.

10. I have heard learned counsel for the parties and perused the relevant material on record.

11. Upon careful consideration, this Court finds merit in the submissions made by the learned counsel for the petitioner. The private respondents were extended the concession of regular bail subject to implied conditions that they would not misuse the liberty granted, tamper with evidence, or intimidate witnesses. However, the record indicates that, soon after securing bail, the private respondents not only trespassed into the residence of the relatives of the complainant, but also issued threats and assaulted the complainant, thereby grossly undermining the authority of the Court and the sanctity of the bail order.

12. It is well settled that liberty granted to an accused by way of bail can be curtailed if the same is misused. If an accused, after grant of bail, engages in acts that amount to interference with the due course of justice – such as intimidation of witnesses, tampering with evidence, or commission of further offenses – such conduct forms a cogent and compelling ground for cancellation of bail.

13. Adverting to the present case, the conduct of the private respondents after the grant of bail on 02.04.2019 and 15.12.2017 is not only reprehensible but also demonstrative of a deliberate disregard for the conditions and spirit under which the extraordinary concession of anticipatory bail was granted to them. Their alleged acts are not isolated or trivial; they reveal a pattern of intimidation, lawlessness and threat to the fair administration of justice.

14. Accordingly, this Court has no hesitation to observe that the private respondents have forfeited the privilege of bail by their overt acts of intimidation and assault, which are clearly in violation of the conditions imposed at the time of granting bail. Resultantly, the instant petitions are allowed and bail granted to the private respondents vide orders dated 02.04.2019 and 15.12.2017 is hereby cancelled. The trial Court is directed to take them into custody forthwith and proceed in accordance with law. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 2, 2025
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No