

**CRR-2171-2023 (O&M)****-1-****257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-2171-2023 (O&M)
Date of decision: 17.02.2025****Amrik Singh****...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Ms. Sujata, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

HARPREET SINGH BRAR, J.(Oral)

1. The present revision petition has been preferred against impugned order dated 05.09.2023 passed by the learned Additional Sessions Judge, Amritsar whereby the anticipatory bail granted to the petitioner, in the case stemming from FIR No.154 dated 20.06.2020 registered under Sections 307, 324, 323, 148, 149 of the Indian Penal Code, 1860 (hereinafter 'IPC') and Section 25 of the Arms Act, 1959 (hereinafter 'Arms Act') at Police Station Kathu Nangal, District Amritsar, has been cancelled.

2. The FIR(supra) was registered against the petitioner while a cross-version was got registered by him against the complainant party vide GD No.24 dated 03.07.2020 under Sections 326, 325, 324, 323, 427, 506, 148, 149 IPC. Subsequently, the petitioner applied for anticipatory bail, which was granted vide order dated 04.11.2020 (Annexure P-3) and made absolute vide order dated 16.11.2020 (Annexure P-4) passed by the learned Court below. A compromise was also affected between the parties and the parties moved



CRR-2171-2023 (O&M)

-2-

petition bearing no. CRM-M-29420-2020 and CRM-M-27723-2020, in order to have the FIR(supra) and DDR(supra) quashed, respectively. During the pendency of the said petitions, FIR No. 66 dated 20.04.2021 u/s 302, 341, 148, 149 IPC was registered against respondent No.2-complainant and his accomplices, at Police Station Kathu Nangal (Annexure P-5), for the murder of the son of the petitioner. Consequently, the anticipatory bail granted to Bhupinder Singh, an accomplice of respondent No.2, was cancelled vide order dated 17.05.2022 (Annexure P-7). Thereafter, FIR No. 33 dated 21.03.2022 under Sections 307, 34 IPC and Section 25 Arms Act was registered at Police Station Kathu Nangal (Annexure P-8), against the petitioner, at the instance of the complainant party, for causing injuries to them. In view of the same, the anticipatory bail granted to the petitioner was cancelled vide impugned order dated 05.09.2023.

3. Learned counsel for the petitioner *inter alia* contends that the learned Court below has fallen into grave error by cancelling the anticipatory bail granted to the petitioner, by means of a non-speaking, cryptic order. FIR No.33 was filed against the petitioner merely as a counterblast to FIR No.66 registered by him. The incident qua which FIR(supra) was registered had occurred two years prior to the registration of FIR No.33, and the two are unrelated. As such, the bail granted to the petitioner cannot be cancelled merely because an FIR was registered against him subsequent to the grant of bail. In fact, the chargesheet is yet to be presented in the case stemming from FIR no.33. Reliance in this regard is placed on the judgment rendered by the Jammu and Kashmir High Court in ***Janbaz Ahmad Dass vs. Union Territory of J&K*** **2023(2) Cri.CC 55** and the Rajasthan High Court in ***State of Rajasthan vs.***



CRR-2171-2023 (O&M)

-3-

Mubin and others 2012(6)R.C.R.(Criminal) 784. Finally, without placing the relevant order on the record, learned counsel submits that the petitioner has already obtained bail from the Hon'ble Supreme Court in the case stemming from FIR No.33.

4. Per contra, learned State Counsel submits that the learned trial Court has correctly cancelled the bail of the petitioner as he did not abide by the conditions laid down under Section 438(2) Cr.P.C. The FIR bearing no. 33 was registered against the petitioner because, on 20.03.2022, using armed weapons, he and his accomplices attempted to commit murder of respondent No.2. As such, no interference by this Court is merited.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner was granted bail in the case stemming from FIR No. 154 vide order dated 04.11.2020 (Annexure P-3), which was made absolute vide order dated 16.11.2020 (Annexure P-4). However, the petitioner has misused the liberty granted to him by engaging in violent activities of a similar nature by attacking respondent No.2 with fire arms and causing injuries to him. The said incident caused registration of FIR No.33 against him. A perusal of the impugned order also reflects that a status report qua the same was called from the concerned SHO, however, nothing in the said report indicated that FIR No.33 has been registered with an ulterior motive, by manipulating injuries.

6. The parameters for denying bail and cancelling the same are quite varied. Denial of bail is a matter of discretion and can be decided upon without inspecting the details of the matter. If the Court is of the opinion that the accused is likely to misuse the liberty granted to him, it can deny bail simply on



CRR-2171-2023 (O&M)

-4-

the basis of gravity of the offence. However, cancellation would amount to curtailment of the liberty already granted to an undertrial accused, which cannot be embarked upon in a cursory fashion. Only if a grave error is highlighted in the order granted bail or it is evident that the accused is misusing the concession, can the Court consider cancellation.

7. The scope and power of the judicial review of an order granting bail has been illustrated by the Hon'ble Supreme Court in ***Dolat Ram and others vs. State of Haryana (1995) 1 SCC 349***, as follows:-

*“(i) interference or attempt to interfere with the due course of administration of justice;
(ii) evasion or attempt to evade the due course of justice;
(iii) abuse of the concession granted to the accused in any manner;
(iv) possibility of the accused absconding;
(v) likelihood of/actual misuse of bail;
(vi) likelihood of the accused tampering with the evidence or threatening witnesses.”*

Further still, a three Judge Bench of the Hon'ble Supreme Court in ***Deepak Yadav vs. State of Uttar Pradesh and another (2022) 8 SCC 559***, speaking through Justice Krishna Murari, observed as follows:

“33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:

33.1. Where the Court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.

33.2. Where the Court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.



CRR-2171-2023 (O&M)

-5-

33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.

33.4. Where bail has been granted on untenable grounds.

33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.

33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.

33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.”

8. In view of the above discussion, this Court is of the considered view that by his conduct, the petitioner has exhibited that he cannot be entrusted with the concession of anticipatory bail. His engagement in a violent act of such nature not only shows his disregard for law but also increases the likelihood of tampering with the evidence and threatening the witnesses. As such, the decision of the learned Court below to cancel the bail granted to the petitioner meets the objective standard of reason and justice.

9. Accordingly, the present petition stands dismissed and the impugned order dated 05.09.2023 passed by the learned Additional Sessions Judge, Amritsar is hereby upheld.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

17.02.2025

Ajay Goswami

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