

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:178545



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CRM-M-43376-2025 (O&M)
Date of decision:23.12.2025

Savitri Devi @ Kanto

... Petitioner

Vs.

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harlove Singh Rajput, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Tarun Kumar Sharma, Advocate for respondent No.2.

...

Manisha Batra, J. (Oral).

CRM-52161-2025:

Learned counsel for the petitioner seeks permission to withdraw
the present application.

Permitted to do so.

Ordered accordingly.

Main case:

1. The instant petition has been filed under Section 439(2) of the Code of Criminal Procedure which is pari materia with Section 483(3) of the BNSS seeking cancellation of benefit of anticipatory bail granted to respondent No.2/accused by this Court in CRM-M-31212-2024 vide order dated 20.02.2025 in case arising out of FIR No.17, dated 18.01.2024,

registered under Sections 420, 467, 468, 471 and 120-B IPC, at Police Station Kalka, District Panchkula.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of a complaint lodged by the present petitioner alleging that she owned and possessed some industrial property. A civil suit filed by her seeking claim for entering her name in the column of ownership and possession had been decreed in her favour. However, when she went for implementation of the Court order, she came to know that respondent No.2 in connivance with the co-accused had got registered sale deed qua the same property in the name of other co-accused, namely, Satya, Ram Chander, Shiv Kumar and Sita Ram by impersonating accused Satya as daughter of the complainant and impersonating other accused as her grandson though, they had no concern whatsoever with the petitioner. After registration of the FIR, investigation proceedings were initiated. Respondent No.2 filed an application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Panchkula. Thereafter, he filed a petition seeking anticipatory bail before this Court and he was directed to join investigation on 17.12.2024. A settlement took place between the parties and vide order dated 03.02.2025, order of interim bail as passed in favour of respondent No.2 was made absolute.

3. It is argued by learned counsel for the petitioner/complainant that the anticipatory bail by this Court was granted to respondent No.2 solely based on the settlement/agreement dated 13.12.2024, which was arrived at before the Mediation and Conciliation Centre of this Court. This settlement

was reduced into writing. As per the terms of the settlement, respondent No.2 had to transfer back the disputed land in favour of the petitioner by 17.12.2024. However, till date he has not done so and thereby, he has violated the terms and conditions of the settlement. Since the bail order in his favour was on the basis of assurance given by respondent No.2, which has not been complied with by him, therefore, it is urged that the order of pre-arrest bail as passed by this Court in his favour is liable to be set aside.

4. The respondent/State has filed reply. It is submitted that the investigation in this case now stands concluded and challan has been presented.

5. Respondent No.2/accused has also filed reply. It is submitted that he had no intent not to comply with the terms of the settlement. He had even got prepared a sale deed by making payment of requisite stamp duty on 25.11.2024. Even appointment had been taken from the Tehsildar concerned for registration of the sale deed. However, since requisite permission for execution of sale deed from the Department of Town Planner and NOC from his office was required, therefore, he applied for the same. He had even filed an application before this Court for giving direction to the revenue officials to allow execution of the sale deed. However, since during pendency of that application, his bail order was made absolute, therefore, that application had been rendered infructuous. He is still ready and willing to execute sale deed and to abide by the terms and conditions. He has not violated any such terms and conditions. No ground for cancellation of bail is made out. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned

counsel for the parties.

7. At the outset and before considering the contentions as raised in this petition, I consider it necessary to discuss certain principles which govern the grant of anticipatory bail as enunciated by several pronouncements of Hon'ble Supreme Court. Reference can firstly be made to **Myakala Dharmarajam v. The State of Telangana, (2020) 2 SCC 743**, wherein the Hon'ble Supreme Court observed that the cancellation of bail can be ordered in cases where the order granting bail 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. In view of this position of law, it is clear that an appellate or superior Courts can set aside the order granting bail, if the Court granting bail did not consider the relevant factors. Reference can further be made to **Sushila Aggarwal v. State (NCT of Delhi), (2020) 5 SCC 1**, wherein the Hon'ble Supreme Court has enunciated the consideration governing the grant of anticipatory bail by observing 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.

8. The well settled proposition of law is also that once bail is

granted to an accused, cancellation thereof would require cogent and overwhelming circumstances for its cancellation. Reference in this regard can be made to **Vipan Kumar Dhir v. State of Punjab, 2021 SCC OnLine SC 854**.

9. Taking into consideration the above discussed position of law and applying the same to the peculiar facts and circumstances of the present case, it may be mentioned that the petitioner herein has sought cancellation of the benefit of anticipatory bail to respondent No.2 on the ground that he had entered into a settlement/agreement with the petitioner during the pendency of the anticipatory bail application and had to abide by the terms of the same but after passing of the bail order, he misused the concession of the same, by not complying with those terms. On a perusal of the impugned order dated 20.02.2025, it is revealed that the matter had been sent to the Mediation and Conciliation Centre of this Court. A report was received and it was amicably resolved between the petitioner and the complainant. Learned counsel for the petitioner has submitted that some terms of the settlement were yet to be complied with, but had given his no objection and the order of interim bail was made absolute and as such, the benefit of interim bail as granted to the petitioner was ordered to be made absolute. It is nowhere mentioned in the order that if respondent No.2 failed to comply with the terms of the settlement, his bail order was liable to be cancelled. The petitioner himself had given no objection despite the fact that some terms of the settlement were not complied with. It is not the case of the petitioner that the accused has misused the concession of bail granted to him or there is any interference or attempt to interfere with due course of

administration of justice or evasion of attempt to evade the due course of justice on the part of respondent No.2. In **Dolat Ram v. State of Haryana, (1995) 1 SCC 349**, the Apex Court had observed that bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during trial. In the instant case, nothing of that sort has come on record to accept the contentions as raised by the petitioner.

10. Having regard to the above discussed facts and circumstances, this Court is of the considered opinion that there is no merit in the petition. Hence, the same is dismissed.

23.12.2025

harjeet

**(MANISHA BATRA)
JUDGE**

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