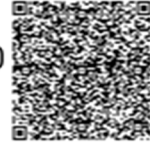


2025:PHHC:129830



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

**CRM-M-49033-2025 (O&M)
Pronounced on :17.09.2025**

Narinder Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Palvi, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner/complainant under Section 528 read with Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking quashing of order dated 23.12.2024 (Annexure P-4), passed by the Court of learned Additional Sessions Judge, Jalandhar in case arising out of FIR No. 237 dated 29.11.2024, registered under Sections 108, 61(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar, District Jalandhar, whereby respondents No. 3 to 5 had been extended benefit of anticipatory bail and also for quashing of order dated 02.08.2025 (Annexure P-7), passed by the Court of learned Additional Sessions Judge, Jalandhar in CRM-426-2025, titled as ***Narinder Kumar vs. State of Punjab and other***, thereby rejecting an application filed by the petitioner for cancellation of bail granted to respondents No. 3 to 5.

2. The aforementioned FIR was registered on the basis of the statement recorded by the petitioner/complainant on 29.11.2024 alleging that his nephew Vikas Kumar, who was son of his elder brother Raj Kumar, was married with respondent No. 3 on 12.02.2023. Vikas had left for Canada in April, 2023. Respondent No. 3 had started quarreling with her father-in-law Raj Kumar thereafter. She even filed a complaint against the brother of the complainant levelling false allegations, due to which, he was very much upset. In the morning of 29.11.2024, Raj Kumar committed suicide by hanging himself from the ceiling fan of his workshop. By alleging that respondents No. 3 to 5 were responsible for his suicide, the complainant prayed for taking action. After registration of the FIR, investigation proceedings were initiated. Apprehending their arrest, respondents No. 3 to 5 filed application seeking anticipatory bail. Learned Additional Sessions Judge, Jalandhar, vide order dated 12.12.2024, granted interim bail to them with further direction to them to join investigation. They had joined the same on the given date. Therefore, order dated 12.12.2024 was made absolute on 23.12.2024.

3. It is argued by learned counsel for the petitioner that the impugned order dated 23.12.2024 is not sustainable in the eyes of law as after passing the order dated 12.12.2024, directing the private respondents to join investigation, though they had joined the same but did not cooperate with the investigation and this fact was brought to the notice of the Court concerned by the Investigating Officer. Apart from that, a DDR bearing No. 31 was also got entered by the petitioner on 17.12.2024 since on the night of 16.12.2024, the private respondents had intercepted him while he was on way to his house on his motorcycle, had caught hold of him and had extended threats to him. It was clear from the same that the private respondents had misused the

concession of interim bail/anticipatory bail granted to them and had violated the conditions of bail order. Hence, it is urged that the impugned order dated 23.12.2024, whereby they were granted concession of anticipatory bail, as well as order dated 02.08.2024, whereby the application moved by the petitioner for cancellation of bail of the private respondents was dismissed, are liable to be set aside and the instant petition deserves to be allowed.

4. This Court has heard the submissions made by learned counsel for the petitioner.

5. Before delving into the contentions as raised by learned counsel for the petitioner, this Court deems it necessary to discuss certain principles which govern the cancellation of bail as enunciated by Hon'ble Supreme Court in various pronouncements. Reference can firstly be made to ***Myakala Dharmarajam vs. the State of Telangana : (2020) 2 SCC 743***, wherein it was observed that an order for cancellation of bail can be made only where such order 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. Reliance can further be placed upon ***Sushila Aggarwal v. State (NCT of Delhi) : (2020) 5 SCC 1***, wherein it was observed 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. Similar position of law had been laid down in ***Dolat Ram and others vs. State of Haryana :1995 SCC (1) 349.***

6. In view of the proposition of law as laid down in the above discussed authorities, it is clear that the discretion under Section 483(3) of BNSS is to be exercised only if it is proved that bail has been granted to an accused of a heinous crime in a manner, which smacks of arbitrariness, capriciousness or perversity and on being satisfied on the basis of material placed on record that the accused has actually misused such liberty. The petitioner in this case has sought cancellation of concession of pre-arrest bail as granted to the private respondents on the grounds that they had misused the same and did not abide by the terms and conditions thereof. No doubt, in compliance with order dated 12.12.2024, passed by the Court concerned, directing the private respondents to join investigation, they had joined the same. The Investigating Officer had submitted that they had not got recovered their mobile phones and hence had not cooperated in the investigation of the case. A perusal of the impugned order dated 23.12.2024 also reveals that the fact that DDR No. 31 was got entered has also been brought to the notice of learned Additional Sessions Judge, Jalandhar. However, he had made the interim order dated 12.12.2023 as absolute by observing that no exceptional circumstance had been made out. In the considered opinion of this Court, since the private respondents had joined the investigation, thus only because of the reason that they did not get the recovery of their mobile phones effected did not mean that there was no cooperation on their part. The well settled proposition of law is that the purpose of joining investigation is to make oneself available to the Investigating Officer and is to respond to lawful

queries and not to compulsorily divulge self incriminatory information. In the opinion of this Court, the conduct of respondents No. 3 to 5 in appearing before the Investigating Officer and responding to the investigation satisfied the legal standard of cooperation. As such, the contention raised by learned counsel for the petitioner that they did not deserve to be granted concession of anticipatory bail on this ground does not hold any water. Then, so far as the allegation that a DDR was got registered against respondents No. 3 to 5 by the petitioner as they had assaulted him on 17.12.2024 is concerned, there is nothing on record to show that any offence cognizable or non-cognizable was made out on the basis of the allegations levelled by the petitioner. As noted by the Court concerned, the genuineness of the DDR No. 31 is a matter of investigation, which cannot be ascertained at this stage. Nothing has been placed on record before this Court to show that the impugned orders suffer from any serious infirmities resulting into miscarriage of justice or the same smacks arbitrariness, capriciousness or perversity. It is also not the allegation of the petitioner that the private respondents have misused the concession of bail in any other manner by not appearing before the trial Court or by tampering with the prosecution evidence or there is any likelihood of their absconding. In view of the discussion as made above, this Court finds no reason to cancel the benefit of pre-arrest bail as granted to respondents No. 3 to 5. Accordingly, the petition is dismissed.

17.09.2025

Waseem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No