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

CRM-M-49922-2025

Date of decision : 08.09.2025

Amit Kumar**.....Petitioner****versus****State of Haryana and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Tanvir Singh Grewal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Prayer in the present petition is for setting aside the order dated 21.07.2025 passed by the Ld. Additional Sessions Judge, Fatehabad, whereby the Ld. Court without appreciating the material on record and the overwhelming and grave evidence against respondent No.2/accused Hoshiyar Singh, wrongly granted the concession of anticipatory bail in case FIR No.45 dated 30.01.2025, under Sections 61(2), 109, 111(2)(B), 115(2), 126(2), 190, 191(2) of BNS, 2023 (Sections 109 and 61(2) of BNS added lateron), registered at Police Station City Tohana, District Fatehabad.

2. It has been submitted by learned counsel for the petitioner that the petitioner before this Court is the complainant who has lodged the abovementioned FIR. He submits that on the registration of FIR, the investigation commenced and during investigation the complicity of the



petitioner also surfaced. Hence, he has also been arrayed as an accused. He submits that the petitioner had approached learned trial Court praying for grant of anticipatory bail and the Ld. trial Court had allowed the same vide impugned order dated 21.07.2025. It has been submitted that the impugned order is unsustainable in the eyes of law as no case for grant of anticipatory bail is made out and thus, the same deserves to be set aside. He has submitted that the petitioner has 02 trucks in the Truck Union Tohana and the president of the said Truck Union is Vikas Garg. The ex-president of the said Truck Union, namely, Manjeet Singh @ Happy, along with others came to take over the possession of the Union forcibly. They all in conspiracy had attacked the complainant's side where Subhash had been seriously injured. He submits that respondent No.2, namely, Hoshiyar Singh had threatened Subhash, number of times. The regular bail petition filed by the co-accused Shyam @ Shyama has already been dismissed. It has been submitted that respondent No.2 is the main accused at whose behest the occurrence had taken place where the injured have received grievous injuries, however, learned trial Court failed to appreciate the same. He submits that respondent No.2 is the mastermind at whose behest the occurrence had taken place. He submits that grant of anticipatory bail by virtue of the impugned order was adversely affect the on going investigation and hence, the same deserves to be cancelled.

3. Notice of motion to the official respondent-State, at this stage only.
4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of the respondent-State.



5. This Court has heard counsel for the parties and perused the record with their able assistance.

6. It has been deciphered that the petitioner is the complainant who has lodged the FIR. Respondent No.2 is neither named in the FIR nor any role had been attributed to him, however, he was arrayed as an accused during the investigation. The role attributed to the petitioner is primarily to the extent that he is part of the criminal conspiracy. As reflected from the record, an inquiry had been entrusted to Jagdish Kumar, DSP (Rural), Fatehabad on the direction of S.P. Fatehabad and the CCTV footage and CDR of the petitioner were investigated. In the inquiry, the *prima facie* case against the petitioner was not made out. Keeping in view the facts and circumstances of the case, learned trial Court had granted the interim bail to respondent No.2 vide order dated 15.07.2025. On joining the investigation, the same was affirmed vide order dated 21.07.2025.

7. In adverting to the distinction, a Bench of two learned Judges of the Hon'ble Supreme Court in **Dolat Ram v. State of Haryana 1995(1) CLJ (Criminal) 26** observed that:

"3. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of Justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in



any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, 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 the trial."

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8. These principles have been reiterated in the judgment titled as **Dataram Singh v State of Uttar Pradesh 2018 (2) SCALE 285, X v. State of Telangana and Another [(2018) 16 SCC 511]** and recently by Division Bench of the Hon'ble Supreme Court in **Himanshu Sharma v. State of Madhya Pradesh 2024(2) RCR(Criminal) 68** which has held as under:

"12. Law is well settled by a catena of judgments rendered by this Court that the considerations for grant of bail and cancellation thereof are entirely different. Bail granted to an accused can only be cancelled if the Court is satisfied that after being released on bail, (a) the accused has misused the liberty granted to him; (b) flouted the conditions of bail order; (c) that the bail was granted in ignorance of statutory provisions restricting the powers of the Court to grant bail; (d) or that the bail was procured by misrepresentation or fraud. In the present case, none of these situations existed."

9. There is nothing on record to show that respondent No.2 has ever misused the concession of anticipatory bail or has violated the



conditions imposed upon him while granting him anticipatory bail. The parameters regarding granting bail and that of cancellation of bail rest entirely on different footings. This Court does not find any such ground for recalling the anticipatory bail granted to respondent No.2 by learned Additional Sessions Judge, Fatehabad and thus, finding no merit in the petition, the same is hereby dismissed.

10. However, it is being clarified that if respondent No.2 is found to have misused the concession of anticipatory bail granted to him, the investigating agencies would be at liberty to avail their remedy for the cancellation of the same.

08.09.2025
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(RAJESH BHARDWAJ)
JUDGE

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