

2025:PHHC:006889



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

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**CRM-M-63960-2023
Date of decision: 17.01.2025**

SATNAM SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Sarvesh Malik, Advocate
for the petitioner.

Mr. B.S. Bali, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 439 (2) of the Code of Criminal Procedure, 1973 read with Section 482 of the Cr.P.C. for cancellation of Anticipatory Bail granted to respondent No.2 vide order dated 01.04.2022 passed by this Court.

Learned Counsel appearing on behalf of the petitioner contends that consequent upon confirmation of the order granting pre-arrest bail to the respondent No.2-accused, the Inspector General of Police, Punjab conducted an investigation into the matter and it was reported that the respondent-accused had actually participated in the commission of the offence and as such this fact was not brought to the notice of the Court. He thus claims that the bail had been obtained by concealing material facts and by playing fraud on Court.



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It is evident from perusal of the order confirming the grant of pre-arrest bail that the same had been confirmed by this Court after a specific statement of the State Counsel that the respondent No.2-accused was not required by the agency for any purpose of investigation. Hence, the concession of pre-arrest bail was not confirmed on any specific claim made by the petitioner about his nature and attribution, rather, the same was confirmed for the reason that custodial detention of the accused was not required. Besides, the inquiry is stated to have been conducted after confirmation of bail. The State also never moved any application about any error or seeking cancellation of bail.

Further, the parameter laid down for cancellation of the pre-arrest bail, is different from rejection of a bail. While a fact may be relevant for a Court at the time when an anticipatory bail of the petitioner is being considered, however, the test required for cancellation of a bail mandate that the person to whom concession of bail has been extended has abused or misused the said concession or is tampering with evidence or influencing witnesses. There is no *prima facie* material available on record of this Court on the basis whereof it can be assumed that the respondent No.2-accused has misused the said concession or violated any condition of bail.

The present petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 17, 2025
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No