



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

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CRM-M-60966-2024 (O&M)

Date of decision: 10.03.2025

Ajmer Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Munish Raj Chaudhary, Advocate
for respondents No.2 and 3.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed by the petitioner/complainant under Section 483(3) of the BNSS seeking cancellation of anticipatory bail granted to the private respondents by learned Sessions Judge, Barnala, vide order dated 22.11.2024 (Annexure P-4), in case FIR No.82 dated 18.10.2024 under Sections 420, 120-B of the IPC registered at Police Station Bhadaur, District Barnala.

2. The case at hand arises out of an FIR registered at the instance of the petitioner, wherein it has been alleged that the private respondents, along with their son, deceived the petitioner and fraudulently obtained a sum of Rs.10 lakhs under the pretext of securing a work permit in England for her daughter. It is stated that out of the said amount, Rs.6.5 lakhs was transferred through banking channels to the daughter of the petitioner, who, acting upon the directions of the accused, further transferred the money to the account



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of their son, Jashandeep Singh. The remaining amount of Rs.3.5 lakhs was purportedly handed over in cash to the private respondents in the presence of witnesses namely Kartar Singh and Ram Singh.

3. Learned counsel for the petitioner asserts that during the pendency of the anticipatory bail filed by the private respondents before the learned Trial Court, they secured interim protection by expressing their willingness to amicably resolve the matter and refund the allegedly defrauded amount. Relying on this assurance, the learned Trial Court vide order dated 25.10.2024 (Annexure P-3), granted them interim bail and referred the parties to mediation.

4. However, according to the learned counsel for the petitioner, the mediation proceedings were unsuccessful, as the private respondents allegedly failed to abide by their assurance and refused to return the money. Despite this, the learned Sessions Judge, Barnala, proceeded to confirm the anticipatory bail vide impugned order dated 22.11.2024 (Annexure P-4), without taking into account the alleged failure of the private respondents to honour their earlier commitment.

5. Learned counsel for the petitioner contends that the impugned order suffers from non-application of mind, as the learned Trial Court ought not to have made the interim bail absolute in the face of the alleged non-compliance by the private respondents with the assurance that formed the basis for granting interim bail.

6. It has, therefore, been vehemently argued by the learned counsel for the petitioner that the conduct of the private respondents in securing interim bail under the pretext of a settlement, only to later



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withdraw from the same, constitutes an abuse of the process of law and amounts to a misuse of the concession of bail and, therefore, it deserves to be cancelled.

7. On the other hand, learned State counsel upon a pointed query from this Court, has on instructions from ASI Santokh Singh, confirmed that the private respondents had duly joined the investigation in compliance with the directions of the learned Trial Court and since their custodial interrogation was not required, the impugned order could not be said to be perverse.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. It is well settled that cancellation of bail is a serious matter and cannot be ordered in a routine or mechanical manner. The grounds justifying the cancellation of bail must be cogent and substantial such as misuse of the concession granted, including attempts to tamper with evidence or influence witnesses; non-cooperation in the investigation despite the conditions imposed; interference with the due process of law; or any other supervening circumstances that render the grant of bail unjustified.

10. Mere non-settlement of a financial dispute in the absence of any violation of bail conditions or misconduct on the part of the accused, does not constitute a legally sustainable ground for cancellation of bail. Bail proceedings are distinct from the trial itself and any alleged financial grievance of the petitioner must be adjudicated through the appropriate legal channels, either during trial or



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by resorting to civil remedies, rather than by seeking cancellation of bail.

11. In the present case, a careful perusal of the impugned order reveals that the learned Trial Court had duly considered the nature of the allegations and the stage of investigation before making the anticipatory bail absolute. Furthermore, it is not in dispute that the private respondents have duly participated in the investigation as required by the conditions of bail.

12. No material has been placed on record to indicate that the private respondents have misused the liberty by attempting to interfere with the investigation, threaten witnesses, or tamper with evidence. The primary grievance of the petitioner pertains to the alleged financial loss suffered due to the purported fraud, which, while serious in nature, does not *per se* justify the cancellation of bail in the absence of any other compelling circumstances.

13. In view of the foregoing discussion, this Court finds no justifiable ground to interfere with the impugned order, granting anticipatory bail to the private respondents. The instant petition stands dismissed accordingly.

14. Pending applications, if any, stand disposed of.

15. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.03.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No