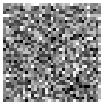


2025:PHHC:150149



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61033-2025
DECIDED ON:12.11.2025

MUKESH KUMAR

.....PETITIONER(S)

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENT(S)

CRM-M-61054-2025

MUKESH KUMAR

.....PETITIONER(S)

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner(s)

Mr. Rajiv Verma, Addl. AG. Punjab

SANDEEP MOUDGIL, J (ORAL)

1. This Court shall dispose off both the above-said petitions, as common question of law involved therein.
2. Just to avoid repetition, the facts are being taken from CRM-M-61033-2025.

3. The jurisdiction of this Court has been invoked under under Section 483(3) of BNSS for cancellation of Regular bail granted to respondent no. 2 vide Impugned Order dated 05.08.2025 (Annexure P-2) in FIR No. 54 dated 24.05.2025 under Section 108 BNS, 2023 (Annexure P-1) registered at Police Station Moonak, District Sangrur, on the ground that after getting the bail the respondent No. 2 has not complied with conditions and misusing the concession of bail, in the interest of justice.

4. Learned counsel for the petitioner submits that the FIR was lodged by the petitioner whose minor son committed suicide due to persistent harassment and instigation by respondent No. 2 and his co-accused. It is argued that the accused were granted regular bail by this Court on 05.08.2025 without affording the complainant any opportunity of being heard, rendering the order *ex parte*. Counsel contends that after being released on bail, respondent No. 2 has been threatening the petitioner and his family, thereby misusing the concession of bail and attempting to influence and intimidate witnesses. It is urged that the complainant's evidence is yet to be recorded and there exists a serious apprehension of tampering with evidence.

5. Learned State Counsel appearing on advance notice has neither supported the case of the petitioner so as to cancel the regular bail granted to the private respondents nor opposed the prayer.

6. Heard counsel for the respective parties.

7. Before considering the contentions raised in both the petitions, certain principles, which govern the grant of regular bail, are required to be noticed. In ***Neeru Yadav Vs. State of UP & Anr., (2016) 15 SCC 422***, the Hon'ble Supreme Court held as under:-

“11. It is the duty of the Court to take into consideration certain factors and they basically are, (i) the nature of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence, (ii) reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and (iii) Prima facie satisfaction of the court in support of the charge.”

8. Proceeding ahead, there can be no doubt that all the aforesaid factors are required to be taken into consideration while granting bail to an accused, but it is a well-established principle that once bail has been granted, it would require cogent and overwhelming circumstances for its cancellation. At the same time, equally important is to note that bail can be revoked by the superior court, if the court granting bail has ignored relevant material available on record, as observed by the Apex Court in the case of ***Vipan Kumar Dhir Vs. State of Punjab 2021 SCC OnLine SC 854.***

9. Further in ***State Through Delhi Administration vs Sanjay Gandhi, 1978 AIR 961***, it has been observed by Hon’ble Apex Court that:

“Rejection of bail when bail is applied for is one thing; cancellation of bail already granted is quite another. It is easier to reject a bail application in a non-bailable case than to cancel a bail granted in such a case. Cancellation of bail necessarily involves the review of a decision already made and can by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial.”

10. In ***Ms. X vs The State of Telangana (2018) 16 SCC 511***, the Hon’ble Supreme Court held that:

“In a consistent line of precedent this Court has emphasised the distinction between the rejection of bail in a non-bailable case at the initial stage and the cancellation of bail after it has been granted. In adverting to the distinction, a Bench of two learned Judges of this

Court in Dolatram v State of Haryana [(1995) 1 SCC 349] observed that:

“Rejection of a 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 the bail, already granted, 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.”

11. These principles have been reiterated by another two Judge Bench decision in ‘**Central Bureau of Investigation, Hyderabad v Subramani Gopalakrishnan (2011) 5 SCC 296**’ and more recently in ‘**Dataram Singh v State of Uttar Pradesh (2018) 3 SCC 22**’:-

"It is also relevant to note that there is difference between yardsticks for cancellation of bail and appeal against the order granting bail. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted. Generally speaking, the grounds for cancellation of bail 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 concessions granted to the accused in any manner. These are all only few illustrative materials. The satisfaction of the Court on the basis of

the materials placed on record of the possibility of the accused absconding is another reason justifying the cancellation of bail. In other words, 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."

12. In '**Myakala Dharmarajam Vs. The State of Telangana, (2020) 2 SCC 743**,' it has been held by the Hon'ble Supreme Court: -

*"In **Raghubir Singh v. State of Bihar, (1986) 4 SCC 481** this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.*

It is trite law that cancellation of bail can be done 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."

13. Hon'ble Supreme Court in **Criminal Appeal No.658 of 2022 (arising out of SLP (Crl) NO.27 of 2022) titled as Imran Vs. Mr. Mohammed Bhava and another decided on 22.04.2022**, has held as under:

“26. Thus, while considering cancellation of bail already granted by a lower court, would indeed require significant scrutiny at the instance of superior court, however, bail when granted can always be revoked if the relevant material on record, gravity of the offence or its societal impact have not been considered by the lower court. In such instances, where bail is granted in a mechanical manner, the order granting bail is liable to be set aside. Moreover, the decisions cited herein above, enumerate certain basic principles which must be borne in mind when deciding upon an application for grant of bail. Thus, while each case has its own unique factual matrix, which assumes a significant role in determination of bail matters, grant of bail must also be exercised by having regard to the above-mentioned well-settled principles”.

14. It is, thus, clear that an appellate or a Superior Court can set aside the order granting bail, if the Court granting bail did not consider the relevant factors. Said position of law has been made further clear by Hon’ble Supreme Court in Criminal Appeal No.680 of 2021 arising out of SLP (CrI) No.3155 of 2018 titled as ***M/s Supreme Bhiwandi Wada Manor Infrastructure Pvt. Ltd. Vs. The State of Maharashtra and another decided on 26.07.2021.***

15. Adverting to the merits of the case, there is no substantial material on record to corroborate the allegations except the bald assertions and vague averments made in the petitions, which do not fall within the parameters contemplated under Section 483(3) of the BNSS so as to warrant a re-examination of the order dated 05.08.2025 (Annexure P-2). There is neither any specific allegation nor any circumstance to show that, after the grant of regular bail vide the impugned order, the private respondents have misused the concession of bail in any manner whatsoever. The record is bereft of any indication that the private respondents attempted to tamper with the evidence or influence/threaten any witness, or that they indulged in any act prejudicial to the fair conduct of the trial.

There is also no material to suggest that they are likely to abscond or evade the proceedings of the trial.

16. In all the aforesaid facts and circumstances, this Court finds no ground to interfere in the impugned orders dated 05.08.2025 (Annexure P-2) granting regular bail to Surinder Singh-respondent No.2 in CRM-M-61033-2025 and Sohan Ram-respondent No.2 in CRM-M-61054-2025 passed by this Court.

17. Accordingly, both the petitions are hereby dismissed with no order as to costs.

18. A copy of this order be placed on the file of other connected case file.

(SANDEEP MOUDGIL)
JUDGE

12.11.2025

Meenu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No