

**CRM-M-63411-2024**

235

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-63411-2024****Decided on : 27.03.2025**

Nxxxx

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Ram Bilas Gupta, Advocate
for the petitioner

Mr. Brijesh Sharma, AAG Haryana

Mr. Ashish Handa, Advocate
for respondent No. 2

KIRTI SINGH, J. (Oral)

The instant petition under Section 483 of BNSS read with Section 528 of BNSS has been filed seeking cancellation of bail granted to respondent No.2, vide order dated 15.10.2024 (Annexure P-2) in case FIR No.349 dated 31.05.2023 under Sections 323, 506 IPC and Section 6 of POCSO Act, 2012 registered at Police Station Palla, Faridabad, District Faridabad, Haryana.

2. Learned counsel for the petitioner *inter alia* submits that after respondent No. 2 was released on regular bail, he posted photographs of him and the petitioner on his social media and even sent abuse messages of the petitioner to her friend on her social media account (Instagram). It is further alleged that respondent No. 2 even threatened the petitioner outside the Court premises on 24.10.2024, and thus, his bail deserves to be cancelled.

3. Learned State counsel contends that regarding the allegations of

**CRM-M-63411-2024****2**

threats levelled against respondent No. 2, learned State counsel, while referring to the reply dated 20.01.2025 submits that the petitioner filed a complaint against respondent No. 2 on 24.10.2024 alleging that he threatened her and posted her photos on Instagram, however when the petitioner was summoned by the investigating agency, she refused to join investigation and provide her phone, nor did she record her statement and submit any evidence to substantiate the allegations, because of which the complaint was filed. Thereafter, a second complaint on similar set of allegations was moved by the petitioner on 30.11.2024 and the petitioner recorded her statement on 11.01.2025. However, she stated that she had deleted all the proofs from her phone. During investigation it was found that her friend Sadhna was in conversation with the accused through her ID of Instagram, which she opened in the phone of the petitioner. As such no concrete evidence was found in the allegations of the petitioner. The second complaint was also filed lacking any solid proof.

4. Learned counsel for respondent No. 2 vehemently argued that the present petition is a tactic to keep respondent No. 2 behind bars by levelling false allegations. Respondent No. 2 has in no way misused the concession of regular bail granted to him by this Court vide order dated 15.10.2024. Learned counsel submits that infact, both the complaints moved by the petitioner against respondent No. 2 were consigned to record after due enquiry, and due to lack of evidence to substantiate the allegations. It is, therefore, submitted that the present petition filed for cancellation of bail granted to respondent No. 2 deserves to be dismissed.

5. Heard.

6. It is pertinent to note that while granting regular bail to respondent No. 2, it was observed by the Coordinate bench of this Court, after perusing the



CRM-M-63411-2024

zimni orders, that prosecution witnesses were not repeatedly turning up to have their testimonies recorded. In so far as the allegations of threatening the petitioner are concerned, it has been submitted by the learned State counsel that both the complaints filed by the petitioner were duly investigated and were consigned, first due to non-cooperation of the petitioner and second, due to lack of evidence to substantiate the allegations so levelled.

7. As per the settled proposition of law, once bail has been granted, it would require cogent and overwhelming circumstances for its cancellation. The order granting bail can only be revoked by the Superior Court while granting the said concession ignored the relevant material available on record, as has been observed by Hon'ble Supreme Court in ***Vipin Kumar Dhir Vs. State of Punjab, 2021 SCC Online SSC 854.***

8. In ***Ms. X vs The State of Telangana (2018) 16 SCC 511***, 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 of attempt to evade the



CRM-M-63411-2024

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.”

*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.”

9. A three Judge Bench of the Hon’ble Supreme Court in **Deepak Yadav**



CRM-M-63411-2024

Vs. State of Uttar Pradesh and another, (2022) 8 SCC 559, speaking through Justice Krishna Murari, observed as follows:

“33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:

33.1. Where the Court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.

33.2. Where the Court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.

33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.

33.4. Where bail has been granted on untenable grounds.

33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.

33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.

33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.”

10. Learned counsel for the petitioner has not been able to indicate any reasons necessitating cancellation of bail to respondent No. 2. Nowhere it has been indicated that the sanctity of the trial will be adversely affected, if respondent No.2 continues to enjoy the concession of bail. The scope of interference by the



CRM-M-63411-2024

Courts qua cancellation of bail is rather limited and adjudication upon the alleged facts, does not fall within its purview.

11. In view of the above discussion, this Court is of the considered view that the cancellation of bail granted to respondent No.2 would not meet the objective standard of reason and justice. Learned counsel for the petitioner has been unable to indicate any perversity in the impugned order dated 15.10.2024 (Annexure P-2) or demonstrate any conduct on the part of respondent No.2, that would warrant interference by this Court.

12. In view of the aforesaid and in light of the judgments cited herein above, the petition is dismissed.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

March 27, 2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No