



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

108**CRM-M-70756-2025 (O&M)****Date of decision: 22.12.2025****SAPINDER KAUR****...Petitioner****V/S****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Harnoor Singh Sidhu, Advocate
for the petitioner.

SHALINI SINGH NAGPAL, J.

1. The petition under Section 483(3)/480(5) read with Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 seeks cancellation of regular bail allowed to respondent No. 2, by learned Judicial Magistrate Ist Class, SAS Nagar (Mohali) vide order dated 08.08.2024 in FIR No. 36 dated 05.02.02019 under Sections 498-A, 406 Indian Penal Code, Police Station Sohana, District SAS Nagar Mohali. Order dated 24.10.2025 of learned Additional Sessions Judge, SAS Nagar (Mohali) has also been challenged.

2. Facts relevant for disposal of the petition are that respondent No. 2., accused in FIR No. 36 dated 05.02.02019 under Sections 498-A, 406 Indian Penal Code, Police Station Sohana, District SAS Nagar Mohali was allowed anticipatory bail by learned Additional Sessions Judge, SAS Nagar (Mohali) vide order dated 22.02.2019 subject to following conditions:

- i. that she shall not hinder the ongoing trial;
- ii. that she shall not leave the country without prior permission of the Court;



iii. that she shall not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the court or police.

iv. that she shall not misuse the concession of bail failing which, the order shall stand vacated automatically.

3. An application for cancellation of bail of respondent No. 2 was moved before learned Judicial Magistrate Ist Class, SAS Nagar on 08.01.2024. Reply thereto was filed by respondent No. 2 on 10.05.2024. Vide order dated 18.07.2024, the bail order was cancelled by learned JMIC, SAS Nagar (Mohali) on account of violation of terms and conditions imposed by learned Additional Sessions Judge, SAS Nagar (Mohali) inasmuch as respondent No. 2 left the country without prior permission of the Court.

4. Respondent No. 2 filed CRM-M-36389-2024 in this Court for quashing of order dated 18.07.2024 of learned JMIC, SAS Nagar(Mohali) which was dismissed as withdrawn with direction to appear before learned trial Court and move an application for regular bail. The trial Court was directed to dispose of the application for regular bail on the same day. Respondent No. 2 surrendered before learned trial Court and applied for regular bail, which was allowed vide order dated 08.08.2024.

5. CRM-M-51432-2024 was again filed by the petitioner for cancellation of bail allowed to respondent No. 2 on 08.08.2024. Said petition was dismissed as withdrawn, whereafter, petition under Section 483(3) BNSS was filed before learned Additional Sessions Judge, SAS Nagar(Mohali) for cancellation of bail granted to respondent No. 2. Learned Additional Sessions

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Judge, SAS Nagar(Mohali) found no justifiable reason for cancellation of bail of respondent No. 2 and dismissed the application. Order dated 24.10.2025 is now assailed before this Court.

6. Learned counsel for the petitioner submits that order dated 08.08.2024 of learned JMHC, SAS Nagar(Mohali) allowing regular bail and order dated 24.10.2025 of learned Additional Sessions Judge, SAS Nagar(Mohali) were both perverse, based on flawed reasoning. Both the Courts observed that the accused/respondent No. 2 returned to India on her own, which was in fact a wrong observation. Referring to applications dated 14.11.2023, 05.12.2023 and 03.01.2024, Annexures P-3, P-5 and P-8 respectively, it was submitted that exemption from personal appearance of respondent No. 2 during trial was sought on account of medical complications arising due to knee replacement on 14.11.2023, due to health problems on 05.12.2023 and due to marriage of close relations on 03.01.2024, though in fact, respondent No. 2 was away to Canada to attend to her daughter and her new born baby as was evident from her reply dated 10.05.2024 to the application for cancellation of bail. In all the three exemption applications, false grounds were pleaded and both the Courts erred in holding that respondent No. 2 returned to India on her own, though, in fact she appeared only when application for cancellation of her bail was moved. The grounds for exemption and the certificates filed along with the applications were false. Respondent No. 2 played fraud with the Court by filing false medical certificates, when she was not even present in the county. She had misused the liberty granted by the Court. Thus bail granted to respondent No. 2



vide order dated 08.08.2024 deserved to be cancelled by setting aside order dated 24.10.2025 of learned Additional Sessions Judge, SAS Nagar(Mohali).

7. In **Crl. Appeal No. 2381 of 2025, decided on 02.05.2025**, titled ***Sanjay Kumar Jangid and Another Vs. Mukesh Kumar Aggarwal and Another***, Hon'ble Supreme Court has observed as follows

*“16. The jurisprudence surrounding cancellation of bail under Section 439(2) of the CrPC is very clear as to that bail once granted should not be cancelled in a mechanical manner unless any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to enjoy the concession of bail during the trial. The grounds for cancellation of bail as illustrated in **Raghubir Singh v. State of Bihar (1986) 4 SCC 481** and reiterated in **Aslam Babalal Desai v. State of Maharashtra (1992) 4 SCC 272** broadly lay down the grounds on which a 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. These grounds are illustrative and not exhaustive. It has also been echoed in various judgments that*



rejection of bail stands on a different platform as compared to cancellation of bail which is considered to be a harsh order as it interferes with the liberty of an individual, and hence, it must not be lightly resorted to. [(5) Dolat Ram and Others Vs. State of Haryana, (1995) 1 SCC 349)]”

8. The principal of law well established by a line of precedents is that concession of liberty once granted is not to be withdrawn unless there is compelling justification there for.

9. It is also settled that a bail order can be set aside even in the absence of post bail misconduct, if it is found to be unjustified, illegal or perverse, without application of mind to material factors (***Puran Vs. Rambilas and Another (2001)6 SCC 338, Dr. Narendra K. Amin Vs. State of Gujrat and Another 2008(6) SCC 415, Prasanta Kumar Sarkar Vs. Ashis Chatterjee (2010)14 SCC, 496, Prakash Kadam and Others Vs. Ramprasad Viswanath Gupta and Another (2011)6 SCC 189, Neeru Yadav Vs. State of U.P. (2014)16 SCC 508***).

10. Respondent No. 2 is the mother-in-law of the petitioner, facing trial in case bearing FIR No. 36 dated 05.02.2019 under Sections 498-A, 406 Indian Penal Code, Police Station Sohana, District SAS Nagar Mohali. She is about 66 years of age. Order dated 24.10.2025 of learned Additional Sessions Judge has been assailed primarily on the ground that respondent No.2 was away to Canada to attend to her daughter and her new born child and returned to India only after the petitioner applied for cancellation of bail, yet, the Court declined



to cancel the bail on the false analogy that respondent No. 2 had returned to India on her own. It has also been urged that applications dated 14.11.2023, 05.12.2023 and 03.01.2024, Annexures P-3, P-5 and P-8 respectively were based on false facts and false medical certificates procured by co-accused of respondent No.2 while she was away to Canada. Though, the factum of respondent No. 2 having flown to Canada to take care of her daughter and her baby has not been disputed by her in her reply dated 10.05.2024, the date when she left the country for Canada would be relevant. There is nothing on record to suggest that when applications dated 14.11.2023, 05.12.2023 and 03.01.2024, Annexures P-3, P-5 and P-8 respectively, were moved, respondent No. 2 was in Canada. As such, it cannot be said that the exemption was sought on false grounds based on false medical certificates. While allowing regular bail to respondent No.2, learned Judicial Magistrate Ist Class, SAS Nagar (Mohali) has considered conduct of respondent No. 2 who had been attending the Court regularly prior to her visit to Canada as also her pressing need to visit Canada to attend to her daughter who was facing complications in pregnancy. The basic tenet of criminal jurisprudence that 'bail is the rule and jail an exception' was correctly relied upon by learned JMIC, SAS Nagar(Mohali) as also the fact respondent No. 2 was a senior citizen, facing difficult in walking due to her old age. Order of learned JMIC, SAS Nagar (Mohali) dated 08.08.2024 and order dated 24.10.2025 are based on sound reasoning and correct appreciation. Bail of an individual, particularly of an old aged lady, could not have been cancelled lightly. The orders under challenge do not suffer from the vice of perversity or arbitrariness and do not call for interference by this Court.

- 11. There is no merit in the petition, which is hereby dismissed.
- 12. Pending CRM(s), if any, are also disposed of accordingly.

22.12.2025
Ajay Goswami

(SHALINI SINGH NAGPAL)
JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No