

CRM-M-4519-2026(O&M) and 1
CRM-M-13588-2026(O&M)

2026:PHHC:076444



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

(217) CRM-M-4519-2026(O&M)
DATE OF DECISION:14.05.2026

Sarbjeeet KaurPetitioner

VERSUS

State of Haryana and anotherRespondents

(217/2) CRM-M-13588-2026(O&M)

Sarbjeeet KaurPetitioner

VERSUS

State of Haryana and anotherRespondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.D.V.Dhindsa Advocate,
for the petitioner in both the petitions.
Mr. Satbir Singh Goripuria, DAG, Haryana.
Mr. Onkar Rai, Advocate,
for respondent no.2 in CRM-M-4519-2026.
Mr. Pawan Attri, Advocate,
for respondent no.2 in CRM-13588-2026.

SUBHAS MEHLA, J (ORAL)

1. Since both the aforementioned criminal miscellaneous petitions are between the same parties and arise from the same FIR, therefore are being decided by this common order.

2. Both the above mentioned petitions have been filed under Section 483(2) read with Section 528 of BNSS, 2023, for cancellation of regular bail. Respondent no.2 in CRM-M-4519-2026 namely, Manoj Kumar, was granted concession of regular bail by the learned trial Court vide order dated 29.12.2025 (Annexure P-2) and respondent no.2 in CRM-M-13588-



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2026 namely, Mukesh Kumar, was granted concession of regular bail by the learned trial Court vide order dated 23.01.2026 (Annexure P-2) in case bearing FIR No. 100 dated 19.07.2025, under Sections 406, 420, 120-B & 370 IPC and Section 24 of Immigration Act, registered at Police Station Shahzadpur, District Ambala, Haryana. Assailing both the said orders, two separate petitions have been filed by the petitioner/complainant namely, Sarbjeet Kaur.

BRIEF FACTS

3. The impugned FIR has been registered qua both accused persons on the basis of complaint filed by complainant Sarbjeet Kaur, wife of Shri Kuldeep Saini, regarding cheating her husband in the name of sending him abroad. Allegations against both the accused persons are that they duped the complainant and her family of approximately Rs.50,00,000/- on pretext of sending her husband to USA. However, instead of sending him to USA, he was allegedly taken to other countries, where he was confined and further demands for money were raised for his release. It is also alleged that threats were extended to kill complainant's husband and that he was kidnapped twice by agents abroad. During investigation, the police collected recordings, and effected recoveries from accused persons. Accused/respondent no.2 in CRM-M-4519-2026 was arrested on 18.11.2025. As per his disclosure statement, he admitted receiving an amount of Rs.20,00,000/- in cash from complainant's husband in November 2023. Another accused/respondent no.2 in CRM-M-13588-2026 was arrested on 28.11.2025. Both accused persons were granted bail vide order dated 29.12.2025 and 23.01.2026 respectively.



4. Learned counsel for the petitioner/complainant prays for cancellation of regular bail granted to both the accused persons on the following grounds:

- i. That the complainant's husband is still untraceable and the complainant continue to received threats regarding his torture and safety;
- ii That accused persons are alleged to be in continuous contact with persons keeping complainant's husband confined abroad and are allegedly creating hurdles in securing his release;
- iii That custodial interrogation of accused persons is still required for tracing complainant's husband;
- iv That Impugned bail orders granting regular bail are illegal and unsustainable in the eyes of law as courts exceeded jurisdiction by conducting a mini trial and bail was granted at pre-mature stage when challan was not presented and custodial interrogation was still required to trace missing husband of petitioner/complainant;
- v. That there is serious risk of accused persons absconding and
- vi That accused persons obtained the concession of bail by misleading the complainant/petitioner through false assurances of repayment and during custody, respondent No.2 - Manoj Kumar, through his sister, approached the petitioner and offered to return an amount of ₹40,00,000/- by showing photocopies of demand drafts prepared in the name of the petitioner, details whereof are as under:-

SBI Demand Draft No.131973 dated 17.12.2025 for ₹10,00,000/-

SBI Demand Draft No.131972 dated 17.12.2025 for



₹9,70,000/-

Axis Bank Demand Draft No.000893 dated 17.12.2025
for ₹9,10,000/-

Axis Bank Demand Draft No.000894 dated 17.12.2025
for ₹10,00,000/-Photocopies of the aforesaid demand
drafts are annexed herewith as Annexure P-3; and that the
sister of respondent No.2 assured the petitioner that the
original demand drafts would be handed over
immediately after grant of bail to respondent No.2 -
Manoj Kumar. However, after availing the concession of
bail, he failed to honour the said assurance and did not
hand over the demand drafts.

5. Mr. Onkar Rai, Advocate, for accused / respondent no.2
namely, Manoj Kumar in CRM-M-4519-2026 whereas Mr. Pawan Attri,
Advocate, for accused / respondent no.2 namely, Mukesh Kumar in CRM-
M-13588-2026, appeared and opposed cancellation of regular bail granted to
both the aforementioned accused persons on the following grounds:

- i. That the accused persons have been given
concession of regular bail on merit on the ground that no
specific role has been attributed to them;
- ii That no amount from petitioner's account has been
transferred to respondent no.2;
- iii That there is no evidence to corroborate that
accused persons received Rs.20,00,000/- cash from
petitioner/complainant;
- iv That once bail granted should not be cancelled
without cogent and overwhelming circumstances unless
there is misuse of bail, interference with justice or
evasion of justice.



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Reliance has been placed upon the law laid down by Hon'ble Supreme Court in (2025) 3 AllCrIRulings 670, titled Sanjay Kumar Jangid and another versus Mukesh Kumar Agarwal and another to contend that once bail is granted on merit, it should not be cancelled unless supervising circumstances render it to be evasive of justice.

6. Mr. Satbir Singh Goripuria, DAG, Haryana, appears on behalf of State and submits that replies in both the petitions have been filed. Learned counsel vehemently prays for cancelling the orders of regular bail granted to respondent no.2 in both the petitions on the following grounds;

- i. That there are serious allegations against the accused persons;
- ii. That neither the cheated amount has been returned nor the husband of the petitioner has been traced/recovered till date and
- iii. That after being released on bail, the accused are allegedly tampering with the prosecution evidence and
- iv. That there is serious apprehension of absconding of accused persons.

7. Heard.

8. Keeping in view the contentions of learned counsel for the parties and facts and circumstances of the case, this Court is of the considered opinion that the present petitions deserve to be allowed on the following grounds:

- i That it is not in dispute that serious allegations have been levelled against respondent No.2 in both the petitions regarding duping the complainant party of huge amounts on the pretext of sending the complainant's



husband abroad and thereafter subjecting him to illegal confinement and threats through donkers;

ii This Court is of the view that regular bail appears to have been granted by the learned trial Court while taking into consideration the possibility of compromise and assurance regarding return of amount.

iii. Allegations raised by complainant to the effect that after being released on bail, the accused persons are extending threats and attempting to influence the course of investigation cannot be lightly disregarded, particularly when whereabouts of complainants husband are still unknown. At this stage, the circumstances brought on record, *prima facie* warrant closer scrutiny with regard to conduct of accused persons after grant of bail;

iv. It is well settled that cancellation is not to be ordered in a mechanical manner. However, it is settled that conduct of an accused indicates misuse of concession of bail, interference with administration of justice, or an attempt to influence witness or hamper investigation, Court would be justified in cancellation of bail already granted and

v. Accused obtained the concession of bail on the basis of deception regarding repayment of the amount involved. Material placed on record reflects that photocopies of demand drafts amounting to approximately ₹40 lakh were shown to the petitioner through the sister of respondent No.2 with an assurance that the same would be handed over after grant of bail. However, after securing bail, no concrete steps have been taken by the accused persons for restitution of the cheated amount or for release of the complainant's



husband.

9. In the facts and circumstances of the present case, this Court is of the view that respondent No.2 in both the petitions have misused the concession of bail granted to them and their conduct is not conducive to a fair trial. Consequently, the impugned orders dated **29.12.2025**, passed in CRM-M-4519-2026 and dated **23.01.2026**, passed in CRM-M-13588-2026, passed by the learned Additional Sessions Judge, Ambala, granting regular bail to respondent No.2-Manoj Kumar and respondent No.2-Mukesh Kumar, respectively, are hereby **set aside**.

10. Accordingly, both the petitions are **allowed**. Respondent No.2 in both the petitions are directed to surrender before the learned trial Court concerned within a period of 07 days from today, failing which the learned trial Court shall take coercive steps in accordance with law to secure their custody.

11. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

12. Pending applications, if any, also stand disposed of.

13. A photocopy of the order be placed on the connected file.

14.05.2026
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No