

2026:PHHC:069169



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

119

CRM-M-4931-2026

Baldev Singh and another

...Petitioners

V/s

State of Punjab and another

...Respondents

Date of decision: 04.05.2026**Date of Uploading : 05.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Petitioner No.1 in person.
 Petitioner No.2 through Video Conference.
 Mr. Adhiraj Singh Thind, AAG Punjab.
 Mr. KJS Bhullar, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483(3) seeking cancellation of regular bail granted to respondent No.2 vide order 01.08.2025 passed by this Court in FIR No.0105 dated 12.12.2024 registered for offences punishable under Sections 281, 106 of BNS (Sections 105, 281, 336(2), 337, 238 of BNS added later on) at Police Station Phase-8, District SAS Nagar Mohali.

2. The FIR in the present case was registered on the basis of a statement made by the complainant, who stated that he had retired as Chief Engineer from the Public Works Department, Himachal Pradesh. His son, namely Maninderjit Singh, is serving as Commandant (JG) in the Indian Coast Guard at Visakhapatnam, while his daughter-in-law, Geeta Garung, is residing at House No. 2566, Sector 69, Mohali, on rent alongwith her two

minor children — son Arnav (aged about 9 years) and daughter Aradhya (since deceased), aged about 7 years. The complainant stated that he had come to Mohali to meet his grandchildren. On the day of occurrence, the complainant, along with his grandchildren, had gone to park situated in front of their residence. At about 4:30 PM, his granddaughter Aradhya (deceased), after finishing play, started walking back towards the house, while the complainant followed along with his grandson. At that time, an electric three-wheeler, driven by accused Lovepreet Singh (respondent No.2 herein), allegedly came from the right side in a rash and negligent manner at a high speed and struck the minor child. Due to the impact, the child fell on the road and sustained severe head injuries. She was immediately rushed to Mayo Hospital, Sector 69, Mohali, from where she was referred to Fortis Hospital, Phase 8, Mohali. However, she unfortunately, succumbed to her injuries during the course of treatment. Consequently, the instant FIR was registered and investigation commenced. During the course of investigation, accused Lovepreet Singh (respondent No.2 herein) produced a learning driving licence, which, upon verification, was found to be forged. Accordingly, Sections 106, 336(2), 337 and 238 of the Bharatiya Nyaya Sanhita, 2023 were added and Lovepreet Singh was arrested on 11.02.2025.

3. Vide order dated 01.08.2025 passed by this Court, the respondent No.2 has been granted the concession of regular bail.

4. Petitioners, who appear in person, have submitted that the impugned order granting regular bail to respondent No.2 suffers from serious factual and legal infirmities and has resulted in grave miscarriage of justice. They have further submitted that the impugned order granting regular bail to respondent No.2 is liable to be set-aside as the same has been

obtained by concealment of material facts and the respondent No.2 has, thereafter, grossly misused the concession of bail. It has been further submitted that the present case arises out of a grave and tragic incident wherein a minor child has lost her life due to the rash and negligent driving of respondent No.2 which itself warrants a strict and cautious approach – while considering the issue of bail. It has been further contended that during the course of investigation, respondent No.2 has deliberately produced the forged and fabricated driving licence documents in an attempt to evade the legal consequences. The petitioners submit that the learner licence initially furnished by respondent No.2 was a photocopy without signatures of the issuing authority which clearly establishes that it a forged one. It has been further argued that the subsequent production of a permanent licence is also dubious and forms part of a larger conspiracy and collusion involving the investigating officer as well as the officials of the Licensing Authority, Malout. Petitioners have pointed out that after being released on bail, respondent No.2 alongwith the owner of the vehicle has been consistently threatening and pressuring the petitioners to enter into a compromise and to desist from pursuing the case. The petitioners apprehend danger to their life and property and contend that such acts amount to clear misuse of the liberty granted by the Court. Placing reliance on the settled principles of law, it is contended that bail once granted can be cancelled where the accused misuses the liberty, tampers with evidence or attempts to influence witnesses. It is submitted that the present case squarely falls within these parameters and constitutes a supervening circumstance warranting cancellation of bail. On the strength of these submissions, it is prayed that the bail granted to respondent No.2 be cancelled.

5. Learned State counsel has iterated that the regular bail has been granted to respondent No. 2 by this Court after due application of mind and considering the entire material available on record. Learned State counsel has further iterated that from the investigation conducted, the offence against respondent No.2 stood duly proved and accordingly report under Section 193 of BNSS was presented before the competent Court of jurisdiction on 08.05.2025. Taking cognizance of the offences, the Court below has framed the charges against the respondent No.2 vide order dated 25.07.2025. According to learned State counsel, no material has been brought on record to show that the respondent No. 2 has attempted to tamper with prosecution evidence, influence witnesses, threaten the complainant, evade the process of law or otherwise misuse the concession of bail. It has been further submitted that the allegations made by the petitioners regarding threats and intimidation are general and unsubstantiated.

6. Learned counsel appearing for respondent No.2 has iterated that the present petition seeking cancellation of bail is wholly untenable in law and is liable to be dismissed as the petitioners try to re-agitate the issues which were either already considered at the time of grant of bail or pertain to matters that are to be adjudicated during the course of trial. It has been further contended that the impugned order granting regular bail to respondent No.2 has been passed by this Court after due consideration of the nature and gravity of allegations, the material available on record and the stage of investigation. Accordingly, a prayer has been made for the dismissal of the petition in hand.

7. I have heard the petitioners as well as the learned counsel for the respondents and have gone through the available records of the case.

8. It would be apposite to refer herein to a judgment passed by this Court titled as ***Dinesh Madan vs. State of Haryana and another*** in ***CRM-M-9029-2023***, decided on 17.05.2024; relevant whereof reads as under:-

“12. The concept of “cancellation of bail” is statutorily manifested in terms of Section 439 (2) of 1973 Code. This concept was embodied in the earlier statute i.e. 1898 Code as well albeit with difference(s). The ratio decidendi of judgment in case of ***Gurcharan Singh*** (supra) makes it clear that, in the 1898 Code, the bail granted by the High Court could be cancelled only by it & bail granted by a Sessions Court could be cancelled by such Sessions Court only. However, Section 439(2) of 1973 Code has vested power to cancel bail which has been granted “under this chapter” upon both the High Court as also the Sessions Court. The words “under this Chapter” relates to Chapter XXXIII of Cr.P.C. of 1973 & hence the unequivocal result thereof is that the High Court as also the Sessions Court have requisite powers to cancel “any bail” granted by “any Court” by way of powers vested under this Chapter. In other words; the High Court is well empowered to cancel a bail granted by itself or by a Sessions Court or by the Court of a Magistrate while the Sessions Court is empowered to cancel a bail granted by High Court or by itself or by a Magistrate. However, a Sessions Court can cancel bail granted by High Court only on account of supervening/new circumstances or on account of misconduct of such accused or on account of violation of any condition(s) imposed by the High Court while granting bail. The Magistrate can, of course, cancel bail granted by him but he cannot cancel a bail granted by High Court or Sessions Court except when such accused has violated/contravened any condition(s) imposed upon by such High Court or Sessions Court while granting bail to such accused. This position, is indubitable, as a Magistrate has been vested with powers for cancellation of bail only in terms of Section 437(5) of 1973 Code whereas the High Court and Sessions Court have been vested with powers under Section 439 of Cr.P.C., of 1973 to cancel “any bail granted under Chapter XXXIII of 1973 Code”.

12.1 Section 439(2) of Cr.P.C., 1973 deals with “any person who has been released on bail under this Chapter” i.e. Chapter XXXIII of 1973 Code, which engirths in itself, Section 438 of the Code (provision envisaging anticipatory bail/pre-arrest bail) as well. Hence such power operates in

realm of all kinds of bails, whether regular bail or anticipatory bail. Ergo, there is no conceptual difference between cancellation of regular bail and cancellation of anticipatory bail except that a Magistrate will not have statutory power to cancel an anticipatory bail granted by High Court or Sessions Court.

12.2. *At this juncture, it would be profitable to consider an issue often springing up before Courts. Petition(s) labelled as plea(s) for “cancellation of bail” are filed in Court(s), more often than not, whether such applicant is actually seeking “cancellation of bail” on account of the accused misusing the grant of bail or on account of any supervening developments disentitling such accused to remain on bail OR where the plea raised is that, the bail ought not to have been granted at all vide the impugned order, in the factual conspectus of such case. The 1973 Code neither stipulates the words “cancellation of bail” nor “setting-aside of a bail order” but only stipulates the words “any person who has been released on bail be arrested and committed to custody”. There is no gainsaying that there is a foundational difference between “cancellation of bail” and “setting-aside of a bail order”; a difference which, by way of simile, can be said to be as stark as between chalk and cheese. The Hon’ble Supreme Court in cases of **Ranjit Singh** (supra) and **Neeru Yadav** (supra) has incontestably articulated that “cancellation of bail” is sought for on account of supervening circumstances/subsequent developments/misconduct of accused etc. whereas “setting-aside of a bail order” is sought for by laying challenge to the said bail order on ground of it being perverse or based on irrelevant material(s). The parameters for consideration of the two are, accordingly, different and contrastive.*

13. *The next aspect that craves attention is as to what are the factors relevant for considering of a plea for “cancellation of bail” or “setting-aside of a bail order.” At the very outset; it deserves to be noted that, it is too far well settled a principle to be ratiocinated upon, that consideration(s) for grant of bail vis.-a-vis. cancellation/setting-aside thereof are entirely different.*

14. *In a plea seeking “cancellation of bail”; such applicant ought to show, primarily, subsequent supervening circumstances such as accused having endeavored to influence/intimidate witness(s) or accused having violated bail condition(s) or accused having committed another offence(s) or accused having secured bail by misrepresenting/concealing material fact(s) or bail having been granted in ignorance/violation of statutory provisions and factors of akin nature. The Hon’ble Supreme Court in the case of **Himanshu Sharma** (supra) has delineated the nature and kind of such factors as have been stated by this Court hereinabove.*

14.1. Further, the Hon'ble Supreme Court in the case of **Sanjay Gandhi** (supra) has enounced regarding the nature and degree of burden upon the applicant (seeking cancellation of bail). The plea of such an applicant has to be tested on the anvil of preponderance of probabilities & such an applicant is not required to prove, beyond reasonable doubt, the facts pleaded by him in support of such a plea.

15. In a plea seeking "setting-aside of a bail order"; the factors required to be considered are as to whether bail has been granted on relevant consideration(s); grounds required to be evaluated for grant of bail have been duly factored into the order granting bail and other factors of akin nature. The Hon'ble Supreme Court in the case of **Jagjit Singh** (supra) has held that the High Court or Sessions Court can set-aside an order granting bail passed by an inferior Court if such order is based on irrelevant considerations, order granting bail has resulted in miscarriage of justice etc. It goes without saying that the High Court or Sessions Court; while dealing a plea for setting-aside a bail order; sits in a jurisdiction, which is akin to appellate jurisdiction & hence it can look into the veracity and propriety of the order (granting bail) from all the perspectives. However, a Court while dealing with such a plea, ought not to substitute its own opinion with the one expressed in the impugned order.

16. It would not be pragmatic to even attempt to lay-down exhaustive parameters in this regard as every case, especially a criminal case, is sui generis. Such a quixotic attempt ought to be avoided as no inexorable formulae can be laid down in this regard.

17. As an epilogue to above discussion, the following principles emerge:

I. (i) There is a conceptual distinction, between "cancellation of bail" & "setting-aside of a bail order". In a plea seeking "cancellation of bail"; the factors required to be considered are akin to supervening circumstances/events or mis-conduct of accused whereas in a plea seeking "setting-aside of a bail order"; the factors required to be considered are akin to the order in question being unjustified or illegal or not based on relevant consideration(s). In other words, a plea seeking "setting aside of a bail order" is more in the nature of laying challenge to an order granting bail before a superior Court upon merits thereof.

(ii) It would be pragmatic as also desirable, for the cause of ease and clarity, that a plea filed under Section 439 of Cr.P.C., 1973 clearly states as to whether the plea is for "cancellation of bail" or for "setting aside of a bail order." or on both accounts.

II. Plea seeking cancellation of Regular Bail.

(i) *A High Court has power to cancel regular bail granted by itself or by a Sessions Court or by a Magistrate's Court.*

(ii) *A Sessions Court has a power to cancel regular bail granted by High Court or by itself or by a Magistrate's Court. However, the Sessions Court can cancel regular bail granted by High Court only where the accused has violated any condition(s) imposed by the High Court (while granting bail) or on account of such accused having misused liberty granted to him by trying to influence witness(s) or having tried to delay trial by absenting himself or having committed another offence(s) while on bail and other factors of akin nature. In other words, a Sessions Court can cancel bail granted to an accused by High Court only on account of such like supervening/subsequent events but cannot adjudicate upon veracity of the High Court order (whereby bail was granted to such accused.)*

(iii) *A Magistrate does have the power to cancel a regular bail granted by him in terms of Section 437(5) of Cr.P.C. 1973. However, a Magistrate does not have the power to cancel regular bail granted by the High Court or Sessions Court except in a situation wherein the accused has violated any condition(s) imposed upon him when granted such bail by the High Court or the Sessions Court.*

(iv) *In case cancellation of a regular bail granted by the Sessions Court is sought for; such plea ought to be ordinarily filed before the Sessions Court itself. However, since there is concurrent jurisdiction of the High Court as also Sessions Court in terms of Section 439(2) of Cr.P.C. 1973, the filing of such a plea straight away before the High Court is not ipso facto barred. At the same time, it would be expedient that such a plea (filed straight away before the High Court) must show cogent reason(s) for not approaching the Sessions Court in the first instance.*

(v) *The factors for consideration in a plea for cancellation of a regular bail are whether the accused has misused liberty granted to him by trying to influence witness(s) or has tried to delay trial or has committed another offence(s) while on bail, whether the accused has flouted the cancellation of bail, whether bail was procured by misrepresentation or fraud or concealing relevant material and similar factors of akin nature. There is no gainsaying that above factors are only illustrative in nature as it is not axiomatic to exhaustively enumerate them.*

(vi) *Where such plea raises ground(s) that bail has been granted on account of misrepresentation of facts or a fraud having been played on Court which has granted bail or concealment of material/relevant facts; it would be expedient that such plea be filed, in the first instance itself, before the Court which had granted bail in question.*

(vii) The degree and nature of proof required to be shown by an applicant (seeking cancellation of regular bail) is that of preponderance of probabilities and not one of being beyond reasonable doubt.”

9. The factual matrix, as emerging from the record, is that the FIR in question has been registered under Sections 281 and 106 of the BNS with additional provisions subsequently incorporated during investigation. At the outset, it is apt to mention herein that the power of cancellation of bail is to be exercised with circumspection and only in exceptional circumstances. The primary grievance raised by the petitioners before this Court is two folds; *firstly*, that respondent No.2 has produced the forged driving licence documents and allegedly colluded with certain officials to procure false verification reports and *secondly*, that after being enlarged on bail, the respondent No.2 has threatened the petitioners and other witnesses. Insofar as the allegations relating to forged documents and discrepancies in verification reports are concerned, this Court is of the considered opinion that whether these documents are forged and the extent of involvement of the respondent No.2 therein, are matters which require appreciation of evidence and are to be adjudicated during the course of trial. These issues, therefore, cannot be conclusively determined in a petition seeking cancellation of bail. With regard to the allegation that respondent No.2 has misused the concession of bail by threatening the petitioners and influencing witnesses, this Court is of the view that the assertions made are general in nature and lack specific particulars. In the absence of any substantiated material which demonstrate that respondent No.2 has misused the concession of bail or has attempted to influence the witnesses, the stringent parameters for cancellation of bail are not satisfied. It is also not the case of the petitioners

that respondent No.2 has absconded, failed to appear before the trial Court or otherwise obstructed the proceedings.

10. It is well settled that the cancellation of bail stands on a different footing from the initial grant of bail. No material has been placed on record to *prima facie* establish that respondent No.2 has influenced witnesses or obstructed the course of justice in the pending trial. In the absence of any clear, cogent and convincing material showing violation of bail conditions or misuse of liberty by respondent No.2, this Court does not find any justification to exercise the extraordinary power of cancellation of anticipatory bail. Moreover, there is nothing on record to suggest that the respondent No.2 has misused the concession of bail. It is trite law that bail cannot be cancelled merely on re-appreciation of facts already considered at the time while granting the same unless there is abuse of the liberty so granted.

11. In the absence of any cogent material to show that respondent No.2 has misused the concession of regular bail, no case is made for cancellation of regular bail. The order passed by this Court is a well-reasoned speaking order and cannot be said to be suffering from vice of non-application of judicial mind. This Court, keeping in view the entirety of the facts and circumstances of the case(s) in hand, does not find any good ground to hold that this Court, while passing the impugned order has overstepped its jurisdiction or has not exercised the same in right perspective. Therefore, the petition in hand deserves rejection.

12. Keeping in view the entirety of the facts and circumstances of the case in hand, no ground is made out to set-aside the regular bail earlier

granted to respondent No.2 vide the impugned order. Therefore, the petition in hand deserves rejection.

13. As a sequel to the above discussion, the present petition, seeking cancellation of regular bail passed by this Court, is dismissed.

14. It, indubitably, goes without saying that nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

15. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 04, 2026
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No