



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

103

CRM-M-5848-2026 (O&M)
Date of Decision: 02.04.2026

LOVEPREET KAUR**...Petitioner**

VERSUS

STATE OF PUNJAB AND ANOTHER**...Respondents****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Naresh Kumar, Advocate
for the petitioner.

Mr. Sukhbeer Singh, DAG Punjab.

SHALINI SINGH NAGPAL, J. (ORAL)

1. The petition under Section 483(3) Bharatiya Nagarik Suraksha Sanhita, 2023 seeks cancellation of anticipatory bail allowed to respondent No. 2 vide order dated 14.08.2025 of learned Additional Sessions Judge, Hoshiarpur in FIR No. 150 dated 20.07.2025 under Sections 85, 316(2) Bharatiya Nyaya Sanhita, 2023, Police Station Mukerian, District Hoshiarpur.
2. Learned counsel for the petitioner submits that aforementioned FIR was lodged on complaint of petitioner alleging cruelty, harassment for dowry and matrimonial violence. Application of respondent No. 2 under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail was allowed by learned Additional Sessions Judge, Hoshiarpur, subject to certain conditions. The order of anticipatory bail deserved to be cancelled as recovery of dowry articles was not effected from respondent No. 2.



3. 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)]”

4. 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.

5. 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***).

6. Respondent No. 2, husband of petitioner, an army personnel, was allowed the benefit of anticipatory bail vide order dated 14.08.2025 of learned Additional Sessions Judge, Hoshiarpur. Bail to an individual once granted, cannot be cancelled on mere asking, unless very strong and compelling reasons are made out to interfere with the order granting bail. Anticipatory bail was allowed to respondent No. 2 subject to the conditions that he shall join the investigation as and when called by the Investigating Agency; that he shall not leave India without prior permission of the Court and shall not tamper with prosecution evidence. It is not the case that any condition of bail has been violated. Prosecuting agency has not sought cancellation of bail for violation of



any condition. Law does not permit cancellation of anticipatory bail for non-recovery of dowry articles. Whether or not, the dowry articles were indeed entrusted to respondent No. 2, would be determined on conclusion of trial on the basis of evidence led. There is no legal ground to cancel the concession of anticipatory bail granted to respondent No. 2.

- 7. The petition which has no merit, stands dismissed.
- 8. Pending CRM(s), if any, are also disposed of accordingly

APRIL 02, 2026
Ajay Goswami

(SHALINI SINGH NAGPAL)
JUDGE

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