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

**CRM-M No.6735 of 2025
Date of Decision: 07.04.2026**

State of U.T., Chandigarh

..... Petitioner

Versus

Gurdit Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sumit Jain, Addl. P.P., UT, Chandigarh
assisted by ASI Bhagat Singh
for the petitioner.

Mr. K. S. Brar, Advocate
for the respondent.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for setting aside/cancellation of anticipatory bail granted to the respondent by this Hon'ble Court vide order dated 15.11.2022 passed in CRM-M-28750-2022 titled as 'Gurdit Singh vs. State of UT, Chandigarh' whereby the interim bail granted to the respondent vide order dated 25.08.2022, was made absolute in case bearing FIR No.206, dated 31.10.2021, under Sections 307 & 212 IPC and Sections 25 & 27 of Arms Act, registered at Police Station East Sector 26, Chandigarh.
2. Learned counsel for the petitioner has submitted that this Hon'ble Court while granting the anticipatory bail to the respondent had noticed that it was the co-accused, namely, Nitin Sharma, who has fired



at the complainant, however, the Investigating Officer, namely, Karan Singh has inadvertently filed the wrong reply, which was factually incorrect as it was the respondent, namely, Gurdit Singh, who had fired shots at the complainant. He has submitted that the co-accused, namely, Nitin Kumar @ Nitin Sharma approached this Court praying for the grant of anticipatory bail by way of filing CRM-M-15893-2022, however the same was dismissed as withdrawn vide order dated 20.04.2022. He has further submitted that keeping in view the reply filed by the Investigating Officer, namely, Karan Singh, the second petition bearing CRM-M-39444-2023 praying for the grant of anticipatory bail filed by the co-accused, namely, Nitin Sharma @ Nitin Kumar was dismissed by this Hon'ble Court vide order dated 08.02.2024 with liberty to the petitioner to approach the learned trial Court concerned for filing the application for grant of regular bail. He has further submitted that the third petition bearing CRM-M-15238-2024 praying for the grant of anticipatory bail filed by the co-accused, namely, Nitin Kumar @ Nitin Sharma was also dismissed with no change in circumstances vide order dated 13.05.2024 and he was sent behind bars, thereafter, he was granted the concession of regular bail. He has submitted that it was the respondent, i.e. Gurdit Singh, who is the main accused and has fired shots at the complainant but as the order has been passed on the basis of the incorrect facts, the anticipatory bail granted to the respondent vide order dated 15.11.2022 deserves to be dismissed. He, however, has apprised the Court that the investigation as on date is complete and the challan is also presented qua both the accused



3. Learned counsel for the respondent, however, has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the respondent never misled the Court and in pursuance to the interim bail granted to the respondent vide order dated 25.08.2022, he duly joined the investigation and thereafter, the interim bail granted to him was made absolute vide order dated 15.11.2022. He has submitted that there was no fault whatsoever on the part of the respondent and he has not misused the concession of anticipatory bail granted to him. He has further submitted that the investigation is already complete and the challan is also presented. He has thus submitted that no case is made out for cancellation of anticipatory bail granted to the respondent vide order dated 15.11.2022.

4. This Court has heard learned counsel for the parties and perused the record with their able assistance.

5. On hearing learned counsel for the parties and perused the record, it is deciphered that the reply in the bail petition was filed through the Investigating Officer, namely, Karan Singh. It was the mistake on the part of the Investigating Officer, namely, Karan Singh, who filed the reply. The respondent has duly joined the investigation and thereafter, he was granted the concession of anticipatory bail vide order dated 15.11.2022. There is nothing on the record to show that the respondent has misused the concession of bail. Challan in the present case already stands presented. As submitted before this Court, in the challan, it was the respondent, namely, Gurdit Singh, who has now found to have fired at the complainant.



6. For the cancellation of the bail, the law settled is different from that of the law, which is considered for granting the bail.

7. In adverting to the distinction, a Bench of two learned Judges of the Hon'ble Supreme Court in **Dolat Ram v. State of Haryana 1995(1) CLJ (Criminal) 26** observed that:

"3. Rejection of 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 bail, broadly (illustrative and not exhaustive) 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 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."

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8. These principles have been reiterated in the judgment titled as **Dataram Singh v State of Uttar Pradesh 2018 (2) SCALE 285, X v. State of Telangana and Another [(2018) 16 SCC 511]** and recently by



Division Bench of the Hon'ble Supreme Court in **Himanshu Sharma v. State of Madhya Pradesh 2024(2) RCR(Criminal) 68** which has held as under:

"12. Law is well settled by a catena of judgments rendered by this Court that the considerations for grant of bail and cancellation thereof are entirely different. Bail granted to an accused can only be cancelled if the Court is satisfied that after being released on bail, (a) the accused has misused the liberty granted to him; (b) flouted the conditions of bail order; (c) that the bail was granted in ignorance of statutory provisions restricting the powers of the Court to grant bail; (d) or that the bail was procured by misrepresentation or fraud. In the present case, none of these situations existed."

9. In the peculiar facts and circumstances, where the respondent was granted the concession of anticipatory bail vide order dated 15.11.2022 and there appears to be no fault on the part of the respondent, thus, this Court does not find any such ground for recalling the anticipatory bail granted to the respondent by this Court vide order dated 15.11.2022 and hence, finding no merit in the present petition, the same is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

07.04.2026

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