



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

(205-2)

CRM-M-9599-2025
Date of Decision: 07.5.2026

Sunali

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Jagpal Singh, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Kulwant Singh, Advocate
for respondent No. 5.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 480(5) of BNSS, 2023 (Earlier Section 439(2) of Cr.P.C.), is for cancellation of anticipatory bail granted to respondent No. 5 vide order dated 18.9.2024 (Annexure P-4) passed by this Court in CRM-M-16312-2024, in case FIR No. 03 dated 05.1.2023, under Sections 323, 294, 427, 506, 148, 149 IPC and later on added Sections 307, 354 IPC, registered at Dugri, Ludhiana.

2. Learned counsel for the petitioner submits that vide the impugned order, the Coordinate Bench of this Court had granted the concession of anticipatory bail to respondent No. 5. However, after the grant of the said concession, respondent No. 5 along with other co-accused pelted stones at the house of the petitioner, recorded her video, and called goons upon her and her family. It is submitted that regarding the said

incidents, the petitioner has also moved complaints (Annexures P-6 to P-8)



before the authorities concerned, however, no action has been taken thereon. Therefore, it is submitted that since respondent No. 5 has violated the condition as mentioned in the relevant provisions, thus, the anticipatory bail granted to him deserves to be cancelled.

3. The learned State counsel while placing reliance on the status report dated 15.7.2025, submits that the allegations raised by the petitioner were duly inquired into and the statements of the statements of the present petitioner, accused Vinod Kumar and other respectable persons of the society, were recorded. However, the same were found to be false, and a detailed report qua the same was submitted by SHO, Dugri.

4. *Per contra*, learned counsel for respondent No. 5 opposes the present petition.

5. Heard learned counsel for the parties and perused the case record with their able assistance.

6. Perusal of the record reveals that it was only after the due appreciation of facts, the petition filed by respondent No. 5 for grant of anticipatory bail, was allowed by the Co-ordinate Bench of this Court on 18.9.2024. The petitioner has subsequently moved complaints Annexures P-6 to P-8 by levelling allegations against respondent No. 5 and other co-accused, for abusing her, making her video and extending threats to her. However, during inquiry, the said allegations were found to be without any basis.

7. At this juncture, a gainful reference can be made to the judgment passed in *Ms. X vs The State of Telangana (2018) 16 SCC 511*, wherein Hon'ble Supreme Court while reiterating the settled position of law with regard to cancellation of bail, held thus:



*distinction between the rejection of bail in a non-bailable case at the initial stage and the cancellation of bail after it has been granted. In advertent to the distinction, a Bench of two learned Judges of this Court in **Dolatram v State of Haryana [(1995) 1 SCC 349]** observed that:*

“Rejection of a 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 the bail, already granted, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion of 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.”

*These principles have been reiterated by another two Judge Bench decision in **Central Bureau of Investigation, Hyderabad v Subramani Gopalakrishnan (2011) 5 SCC 296** and more recently in **Dataram Singh v State of Uttar Pradesh (2018) 3 SCC 22**:*

“It is also relevant to note that there is difference between yardsticks for cancellation of bail and appeal against the order granting bail. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted. Generally speaking, the grounds for cancellation of bail 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 concessions granted to the accused in any manner. These are all only few illustrative materials. The satisfaction of the Court on the basis of the materials placed on record of the possibility of the accused absconding is another reason justifying the cancellation of bail. In other words, 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.”

8. A three Judge Bench of the Hon’ble Supreme Court in **Deepak Yadav Vs. State of Uttar Pradesh and another, (2022) 8 SCC 559**, speaking through Justice Krishna Murari, observed as follows:

“33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances.



Following are the illustrative circumstances where the bail can be cancelled:

33.1. Where the Court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.

33.2. Where the Court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.

33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.

33.4. Where bail has been granted on untenable grounds.

33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.

33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.

33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.”

9. Learned counsel for the petitioner has not been able to establish any violation of the terms and conditions of relevant provisions or the existence of supervening circumstances, necessitating cancellation of bail granted to respondent No. 5. Also nowhere it has been indicated that the sanctity of the trial will be adversely affected, if respondent No. 5 continues to enjoy the concession of bail. Trite to say that the scope of interference by the Courts qua cancellation of bail is rather limited, and adjudication upon the uncorroborative averments does not fall within its purview.

10. In view of the above discussion, this Court is of the considered view that the cancellation of bail granted to respondent No. 5 would not meet the objective standard of reason and justice. Learned counsel for the petitioner has been unable to indicate any perversity in the impugned order dated 18.9.2024, or demonstrate any conduct on the part of respondent No. 5 that would warrant interference by this Court.

11. In view of the aforesaid and in light of the judgments cited herein above, the petition is dismissed.



12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

May 07th, 2026
Gurpreet Singh

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