



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

**CRM-M-10800-2025
Date of decision: 10.03.2026**

Gurmit Singh

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Rishma Verma, Advocate (through VC)
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

Mr. Nimanyu Gautam, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court praying for cancellation of anticipatory bail granted to respondent No.2, namely, Sahil Luther, by learned Additional Sessions Judge, Jalandhar vide order dated 05.02.2025 in case FIR No.02 dated 04.01.2025, under Sections 316(2), 318(4) of the Bhartiya Nayaya Sanhita, 2023, registered at Police Station Division No.4, Jalandhar.

2. Succinctly facts of the case are that the FIR in the present case has been lodged on the statement of petitioner/complainant, Gurmeet Singh Prop. Dhalla Jewellers. It was alleged that he vide Bill No.2327 dated 10.10.2024 for 282.770 grams gold ornaments amounting to Rs.22,65,249/- and Bill No.2328 dated 11.10.2024 of 221.120 grams of gold ornaments of Rs.17,71,945/- taken the said gold to sell to another gold smith, namely, Sahil Luthra (respondent No.2), who said that he will refund the amount in the evening but he did not return anything. Instead of returning money, he threatened the petitioner/complainant that if he will



bother him more then, he will cause harm to himself and get the petitioner/complainant trapped. Even after so many visits and requests he did not return the gold/amount. Then on 18.10.2024, he executed an affidavit stating that he would return the entire amount till 02.11.2024 but he did not return the same. Request was made to take legal action against the accused/respondent No.2. On registration of the FIR, investigation commenced. Apprehending arrest, respondent No.2 approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of anticipatory bail. However, after hearing counsel for both the sides, the same was allowed vide order dated 05.02.2025. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. It has been vehemently contended by counsel for the petitioner that the amount and gold in question were hard earned money and lifetime savings of the petitioner/complainant and respondent No.2 has committed fraud with the petitioner/complainant. Thereafter, he refused to return the same. He has submitted that even during enquiry, respondent No.2 admitted before the police and took time to return the said gold/amount but later on, he resiled from the same and openly refused to pay even a single penny. He has further submitted that even after having been granted bail, respondent No.2 had given threats to the petitioner. He thus, submits that the anticipatory bail granted to respondent No.2 vide impugned order dated 05.02.2025 deserves to be cancelled.

4. Learned State counsel, on the other hand, on instructions, has submitted that there is nothing on record to substantiate the same. He has submitted that respondent No.2 already joined the investigation on 24.01.2025. He has submitted that on 30.01.2025, the



petitioner/complainant had made allegations that he had filed a police complaint against respondent No.2 regarding threats perception however, learned Additional Sessions Judge, Jalandhar directed the police authorities to verify the allegations made and the police has verified the same and stated that there was no evidence produced or found during the enquiry by the police regarding threat perception and thereafter, the learned Additional Sessions Judge, made the interim anticipatory bail of respondent No.2 (Sahil Luther) absolute on 05.02.2025. He has further submitted that there is nothing on record to show that after having been granted anticipatory bail, respondent No.2 has misused the concession of anticipatory bail granted to him.

5. This Court has heard counsel for the parties and perused the record. It is deciphered that respondent No.2 was alleged to be one of the accused in the present case. As submitted by learned State counsel, there is no threat perception to the complainant from respondent No.2. A perusal of the status report filed by the State would show that respondent No.2 had duly joined the investigation and cooperated with the investigating agency. It further shows that there is nothing on record to substantiate the contention that respondent No.2 has ever misused the concession of bail granted to him.

6. 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 SCC(1) 349** observed that:

"4. 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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7. 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."

8. There is nothing on record to show that respondent No.2 has ever misused the concession of anticipatory bail or has violated the conditions imposed upon him while granting him anticipatory bail. The parameters regarding granting bail and that of cancellation of bail rest entirely on different footings. This Court does not find any such ground for recalling the anticipatory bail granted to respondent No.2 by learned Additional Sessions Judge, Jalandhar vide order dated 05.02.2025 and thus, finding no merit in the petition, the same is hereby dismissed.

10.03.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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