



CRM-M-12400-2026

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-12400-2026

Ankush

....Petitioner

V/s

State of Haryana and another

....Respondents

Date of decision: 30.04.2026**Date of Uploading : 30.04.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Ajay Vijarania, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483(2) of Cr.P.C. seeking cancellation of regular bail granted to respondent No.2 vide order dated 23.01.2026 (Annexure P-2) passed by Additional Sessions Judge, Hisar in FIR No.452 dated 04.08.2022 registered for offences punishable under Sections 148, 149, 302, 365, 120-B of IPC (offences under Sections 216 & 364 of IPC added later on) at Police Station Civil Lines, Hisar.

2. The relevant portion of the order passed by Additional Sessions Judge, Hisar, reads as under:

"11. Considering the given facts and circumstances and without commenting on the merits of the case, the instant application is allowed. The applicant Sachin alias Shinu is admitted to bail on his furnishing of bail bonds in the sum of Rs.30,000/- with one surety in the like amount to the satisfaction of the learned Area/Duty Magistrate concerned. Papers pertaining to the application in hand be tagged with the main case after due compliance."

3. Learned counsel for the petitioner has iterated that the impugned order passed by the Court below granting regular bail to



respondent No.2 is legally unsustainable and liable to be set-aside. Learned counsel has further iterated that the respondent No.2 is not only specifically named in the FIR but has also been attributed a clear and active role in the commission of the offence. According to learned counsel, the respondent No.2 was a part of the unlawful assembly which abducted the deceased Lalit and participated in the brutal assault leading to his death. It has been further contended that the involvement of respondent No.2 is further substantiated by the video recording of the incident wherein he is clearly visible while beating the deceased which establishes his direct participation. It has been further contended that the Court below has failed to appreciate the gravity and seriousness of the offence. Furthermore, the nature of allegations coupled with the manner in which the crime has been committed has been completely ignored by the Court below while passing the impugned order. Moreover, the Court below has granted the bail on the ground of parity which is wholly misplaced as the role of respondent No.2 is distinguishable from that of other co-accused who have been granted the concession of bail. Learned counsel has emphasized that the Court below has granted the bail primarily on the ground of long incarceration without considering that the delay in trial is not attributable to the petitioner. It has been further contended that there is reasonable apprehension that respondent No.2, being closely connected with the family of the deceased's in-laws, may influence or intimidate the prosecution witnesses. The possibility of tampering with the evidence and threatening the witnesses cannot be ruled out especially in view of the nature of the offence and relationship between the parties. It has been further argued that the impugned order has been passed in a mechanical manner without application of mind. Thus, keeping in view the



gravity of offence, cancellation of the regular bail granted to respondent No.2 is prayed for.

4. Learned State counsel (on the strength of advance notice) has submitted that the impugned order has been passed after duly considering all the relevant facts and circumstances of the case, including the period of custody undergone by respondent No.2 and the stage of trial. According to learned State counsel, there is no material on record to suggest that respondent No.2 has misused the concession of bail after his release. Furthermore, there is allegation of his having threatened or influenced any prosecution witness, tampered with evidence or attempted to evade the process of law.

4.1. Since this Court has proceeded to adjudicate upon the *petition in hand*, at *limine* stage, this Court does not deem it appropriate to issue notice to respondent No.2.

5. I have heard learned counsel for the rival parties and have perused the available record.

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

“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.

xxxx	xxxx	xxxx	xxxx
xxxx	xxxx	xxxx	xxxx

VI. Where a plea made under Section 439(2) of Cr.P.C. 1973 raises grounds regarding “cancellation of bail” as also for “setting aside of bail order”, such plea has to be essentially made before the superior Court.”

7. The averments made in the petition as also the arguments raised by learned counsel for the petitioner, indubitably, show that petition has been filed seeking cancellation of the regular bail order granted to the respondent No.2 vide impugned order (Annexure P-2) passed by Additional Sessions Judge, Hisar. It is worthwhile to note herein that it is not the stand of the petitioner that the respondent No.2 has misused the concession of anticipatory bail granted by the Additional Sessions Court by threatening/intimidating the witness(s) or by trying to influence the investigation/trial or otherwise. It is settled law that once bail has been granted by a competent Court, the same can be cancelled only when there is cogent material showing that the accused has misused the concession of bail, has tampered with evidence or there has been a subsequent supervening circumstance warranting such cancellation. Mere reiteration of allegations forming the basis of FIR or apprehension of misuse is not



sufficient ground for cancellation of bail. It is conceded position before this Court that the FIR was registered on 04.08.2022 and trial is underway.

It is trite law that the consideration(s) for grant of bail and for cancellation of bail are distinct. Cancellation of bail already granted requires demonstration of supervening circumstances such as misuse of liberty, tampering with evidence, intimidation of witnesses or deliberate evasion of the judicial process. Mere dissatisfaction with the reasoning of the Court which has granted the bail or the seriousness of the offence by itself, is not sufficient to recall such an order. In the present case, the allegations against respondent No.2 are undoubtedly serious in nature. The record also indicates that the respondent No.2 has been named in the FIR and is alleged to have participated in the occurrence. However, these aspects were within the knowledge of the Court below at the time of passing the impugned order. The Court below, while granting bail, has taken into consideration the period of incarceration undergone by respondent No.2 as well as the stage of the trial and has also extended the benefit of parity with co-accused. No specific or credible material has been placed on record to substantiate that respondent No.2 has misused the concession of bail or interfered with the investigation process. In the considered opinion of this Court, the Court below has conclusively considered the nature of allegations as also the period of custody undergone by respondent No.2. There appears to be no perversity, illegality or material irregularity in the exercise of discretion warranting interference by this Court. The order passed by the Additional Sessions 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

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in view the entirety of the facts and circumstances of the case(s) in hand, does not find any good ground to hold that the Additional Sessions Court, Hisar while passing the impugned order, has overstepped its jurisdiction or has not exercised the same in right perspective. Therefore, the petition(s) in hand deserves rejection.

8. Keeping in view the entirety of the facts and circumstances of the case in hand, no ground is made out for cancellation of the regular bail earlier granted to respondent No.2 vide the impugned order. Therefore, the petition in hand deserves rejection.

9. As a sequel to the above discussion, the present petition filed under Section 483(2) of the Cr.P.C. seeking cancellation of regular bail order dated 23.01.2026 (Annexure P-2) passed by learned Additional Sessions Judge, Hisar is dismissed.

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

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

(SUMEET GOEL)
JUDGE

April 30, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No