

2026 PHHC 033994



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-15109-2025 (O&M)
Decided on : 07.03.2026**

Shubhpreet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Aditya Dassaur, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. G. B. S. Dhillon, Senior Advocate with
Mr. Jagdeep Singh Bajwa, Advocate
for respondents No. 2 and 3.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner/complainant under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') seeking cancellation of anticipatory bail granted to respondents No. 2 and 3, namely Gurdeep Singh Birdi and Parminder Singh, in case arising out of FIR No. 0004 dated 21.01.2025, registered under Sections 318(4), 82(1) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Women Ludhiana, District Police Commisionerate Ludhiana, vide order dated 03.03.2025 (Annexure P-5), passed by the Court of learned Additional Sessions Judge, Ludhiana.

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint filed by the present petitioner alleging therein that she was married with one Jaipreet Singh on 06.12.2009. After her marriage, she was subjected to cruelty on account of bringing insufficient dowry by the members of her in-laws family. Respondent No. 3, who was his father-in-law, also kept an evil eye upon her and even tried to molest her. She had lodged a complaint against him. Respondent No.3 had, however, apologized. The petitioner had tried to settle down at her matrimonial house but was thrown out of the same and was compelled to lodge another complaint, on the basis of which, an FIR bearing No. 66 dated 02.07.2021 under Section 498-A of IPC was registered. However, subsequently a compromise was effected and she again joined her matrimonial house but was extended beatings by her husband and other in-laws. On 31.10.2022, she was locked in a room and was assaulted by the members of her in-laws family. The matter was reported to the police. On 15.03.2022, her husband performed second marriage with one Pardeep Kaur. She got the present FIR registered against respondents No. 2 and 3 and other accused. Both, respondents No.2 and 3, moved an application seeking grant of anticipatory bail, which was allowed by the Court of learned Additional Sessions Judge, Ludhiana by passing the impugned order and they were granted concession of anticipatory bail. Aggrieved from the same, the petitioner has filed the present petition seeking cancellation of benefit of anticipatory bail granted to respondents No. 2 and 3.

3. It is argued by learned counsel for the petitioner the impugned order is not sustainable in the eyes of law as while passing the same, the learned Additional Sessions Judge, Ludhiana ignored the fact that respondents No. 2 and 3 were present at the time of performance of second marriage by her husband and were fully aware of the said fact. Hence, they were the conspirators in commission of subject offences but this fact was totally ignored by the Court concerned while passing the impugned order. These respondents had made a false statement before the Court concerned that her husband had not solemnized second marriage. They had stated that her husband was in live-in-relationship with said Pardeep Kaur. However, a marriage certificate, issued by the Gurdwara concerned, shows that the marriage between her husband and Pardeep Kaur was performed on 15.03.2025 and respondent No. 2 had even stood witness to the said marriage. Since this material fact had been concealed by these respondents, therefore, the benefit of anticipatory bail granted to them is liable to be withdrawn. Hence, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned State has submitted that on an application submitted by respondent No. 2, a detailed inquiry was conducted and it was found that no cognizable offence was made out against the accused persons. Hence, a cancellation report was prepared after obtaining approval from the Commissioner of Police, Ludhiana and the same will be submitted before the Court concerned after obtaining approval from the senior police officers.

5. Respondents No. 2 and 3 have filed a reply contesting the petition and asserting that no ground for allowing the same is made out. Hence, they have prayed for dismissal of the present petition.

6. This Court has heard the rival submissions.

7. Before delving into the contentions as raised by learned counsel for the parties, this Court considers it necessary to discuss certain principles which govern the cancellation of bail as enunciated by Hon'ble Supreme Court in various pronouncements. Reference can firstly be made to ***Myakala Dharmarajam vs. the State of Telangana : (2020) 2 SCC 743***, wherein it was observed that an order for cancellation of bail can be made only where such order suffers from serious infirmities resulting in miscarriage of justice. If the Court granting bail ignores relevant material indicating *prima facie* involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail. Reliance can further be placed upon ***Sushila Aggarwal v. State (NCT of Delhi) : (2020) 5 SCC 1***, wherein it was observed that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses) or likelihood of his absconding. It was also observed that whether to grant bail or not is a matter of discretion of the Court. Similar position of law had been laid down in ***Dolat Ram and others vs. State of Haryana :1995 SCC (1) 349***.

8. On applying the aforesaid principles to the facts of the present case, this Court finds that learned Additional Sessions Judge, Ludhiana, while granting anticipatory bail to respondents No. 2 and 3, has duly considered the nature of allegations and the role attributed to them. The principal grievance raised by the petitioner is that respondents No.2 and 3 had allegedly concealed the fact regarding solemnization of second marriage by the husband of the petitioner and that respondent No.2 had stood as a witness to the said marriage. However, the said contention, even if assumed to be correct at this stage, primarily relates to the appreciation of evidence and the role attributed to the accused persons in the alleged occurrence, which would be a matter to be examined during the course of investigation and trial. The same, by itself, does not establish that the order granting anticipatory bail suffers from such perversity or illegality so as to warrant its cancellation. It is also pertinent to note that there is no allegation on behalf of the petitioner that respondents No. 2 and 3 have misused the concession of anticipatory bail granted to them or that they have attempted to influence the investigation, tamper with evidence or intimidate any witness. In the absence of any such allegation or material on record, this Court does not find any supervening circumstance which would justify cancellation of the bail already granted to them. It is also significant to note that as per the status report filed by the respondent-State, a detailed inquiry has been conducted and it has been found that no cognizable offence is made out against the accused persons and a cancellation report is proposed to be filed before the Court concerned. In such circumstances, this Court does not find that the concession of anticipatory bail granted to

respondents No.2 and 3 has resulted in any miscarriage of justice or that they have misused the liberty granted to them. In view of the settled legal position that cancellation of bail stands on a different footing from rejection of bail and can be ordered only in the presence of cogent and overwhelming circumstances, this Court is of the considered opinion that the petitioner has failed to make out any such ground in the present case. Consequently, finding no merit in the present petition, the same is hereby dismissed. All pending miscellaneous applications, if any, also stand disposed of.

07.03.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>