



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

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CRM-M-16929-2025 (O&M)
Date of decision: 16.03.2026

Harpreet Singh

....Petitioner

Versus

State of Punjab and Another

...Respondents

CRM-M-51845-2025 (O&M)

Harpreet Singh

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. U.K. Agnihotri, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

Mr. S.P.S. Sidhu, Sr. Advocate with Mr. Karan Monga, Advocate
for respondent No.2 in CRM-M-16929-2025

Mr. Rahul Aggarwal, Advocate for respondent No.2
in CRM-M-51845-2025

AMAN CHAUDHARY, J. (ORAL)

1. The present petitions have been filed by one complainant and since they arise out of the same FIR, thus are being decided by a common order.
2. Prayer in the present petitions filed under Section 483(3) of BNSS, 2023, is for cancellation of bail granted to respondent Nos.2, while setting aside orders dated 11.03.2025 & 20.08.2025 passed by learned Additional Sessions



Judge, SAS Nagar in FIR No.574 dated 28.12.2024, registered under Sections 406, 420 IPC & 24 of Immigration Act, at Police Station Zirakpur District SAS Nagar.

3. Learned counsel submits that the allegations raised by the petitioner against the private respondents are of cheating him on the pretext of sending him abroad, however they were granted the concession of anticipatory bail, despite the fact of being involved in 3 FIRs of similar nature. Further that they were not cooperating with the investigation and the alleged amount has not been recovered, a fact which was not taken note of, while allowing their application.

4. Learned State counsel and learned Senior Counsel for respondent No.2 submit that the aforesaid fact is incorrect as there are 3 FIRs under IPC but not with regard to Section 420 IPC or allegations of similar nature. As a matter of fact, complainant-petitioner is an employee of one builder, to whom respondent No.2 used to supply material and due to he trying to resolve the dispute between the said builder and his wife, got involved in the present and the other FIRs, on one pretext or the other. It was further submitted that they have not misused the concession of bail when the same was granted by the learned Sessions Court and there is no complaint made of any threat or attempt to influence the witnesses or hamper the investigation, with which they are duly cooperating.

5. Heard the learned counsel for the parties.

6. Hon'ble the Supreme Court, after considering a catena of the pronouncements in the case of **Satender Kumar Antil vs. CBI**, (2022) 10 SCC



51, held that, “The rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice.”

7. The law regarding cancellation of bail has been expounded and reiterated by Hon’ble the Supreme Court in the case of **State (Delhi Administration) vs. Sanjay Gandhi** 1978(2) SCC 411 and **Dolat Ram and others vs. State of Haryana**, (1995) 1 SCC 349. In **Sanjay Gandhi** (supra), it was held that, “Rejection of bail when bail is applied for is one thing; cancellation of bail already granted is quite another, It is easier to reject a bail application in a non-bailable case than to cancel a bail already granted in such a case. Cancellation of bail necessarily involves the review of a decision already made and can by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial.” (Emphasis supplied)

8. An order rejecting the application of bail and an order of cancellation of bail are vastly different. In the case of rejecting bail, the Court has discretion to pass the order simpliciter on the ground of severity of the offence and the belief that granting the bail would result in its abuse. However, in the latter, the Court is tasked with the duty to revoke a liberty previously



granted to a person, thus the same should be exercised with utmost care and circumspection and only after examining the facts and on finding supervening circumstances, which are not conducive to fair trial and unless and until it is established that the accused does not deserve to be at liberty either by reason of violation of the conditions of bail or due to the conduct which bears upon the misuse of liberty by the accused or threatening the victim or is tampering with evidence or influencing prosecution witnesses to the extent that it would vitiate the trial and lead to a miscarriage of justice. It is trite that, once the bail has been granted it should not be cancelled, further there is no scope for cancellation of bail on re-appreciation of evidence.

9. Hon'ble the Supreme Court in the case of **Ms. X vs. The State of Telangana** (2018) 16 SCC 511 finding no supervening circumstance made out to warrant the cancellation of the bail dismissed the appeal. The paras as relevant to the present case read thus:

“9. During the course of the hearing, learned counsel appearing on behalf of the complainant alleged before the Court that her submissions in assailing the order of the High Court deal with two facets namely:

(i) Whether the High Court was justified in granting bail to the accused under Section 439:

(ii) Whether there are any supervening circumstances which would warrant the cancellation of the bail granted by the High Court.

10. While the principles in regard to the grant of bail under Section 439 are well settled, we may note for the completeness of the record, that reliance has been placed on behalf of the appellant on the decisions of this Court in *Kanwar Singh v State of Rajasthan* 2012 (120) SCC 180, *Neeru Yadav v State of UP* 2016(15) SCC 422 and *State of Bihar v Rajballav Prasad* 2017(2)SCC 178.



11. In Kanwar Singh, a Bench of two learned Judges of this Court has held thus:

"Section 439 of the Code confers very wide powers on the High Court and the Court of Sessions regarding bail. But, while granting bail, the High Court and the Sessions Court are guided by the same considerations as other courts. That is to say, the gravity of the crime, the character of the evidence, position and status of the accused with reference to the victim and witnesses, the likelihood of the accused fleeing from justice and repeating the offence, the possibility of his tampering with the witnesses and obstructing the course of justice and such other grounds are required to be taken into consideration. Each criminal case presents its own peculiar factual scenario and, therefore, certain grounds peculiar to a particular case may have to be taken into account by the court."

12. In Neeru Yadav, applying the same principle, this Court held that:

"It is a well-settled principle of law that while dealing with an application for grant of bail, it is the duty of the Court to take into consideration certain factors and they basically are: (i) the nature of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence, (ii) reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and (iii) prima facie satisfaction of the Court in support of the charge."

13. The decision in Rajballav Prasad emphasises that while the liberty of the subject is an important consideration, the public interest in the proper administration of criminal justice is equally important:

"...undoubtedly the courts have to adopt a liberal approach while considering bail applications of accused persons. However, in a given case, if it is found that there is a possibility of interdicting fair trial by the accused if released on bail, this public interest of fair trial would outweigh the personal interest of the accused while undertaking the task of balancing the liberty of the accused on the one hand and interest of the society to have a fair trial on the other hand. When the witnesses are not able to depose correctly in the court of law, it results in low rate of conviction and many times even hardened criminals escape the conviction. It shakes public confidence in the criminal justice delivery system. It is this need for larger public interest to ensure that criminal justice delivery system works efficiently, smoothly



and in a fair manner that has to be given prime importance in such situations."

14. In a consistent line of precedent this Court has emphasised the 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 adverting 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."

15. 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."

10. Hon'ble the Supreme Court in the case of **Apruva Kirti Mehta vs State of Maharashtra**, 2025 SCC OnLine SC 336, held that a criminal Court, exercising jurisdiction to grant bail is not expected to act as a recovery agent to realise the dues of the complainant, by observing that, "That apart, the direction for payment was in the teeth of a plethora of decisions of this Court. We can profitably refer to a few of them, viz. Ramesh Kumar vs. State (NCT of Delhi); St. George Dsouza vs. State (NCT of Delhi) and Dilip Singh vs. State of M.P. & Anr. Having regard to the principles of law laid down in the said decisions, inter alia, to the effect that the courts, exercising jurisdiction to grant bail/pre-arrest bail, are not expected to act as recovery agents for realization of dues of the complainant from the accused, the High Court should have independently applied its mind and arrived at a conclusion as to whether a case for grant of bail, on settled parameters, had been made out or not irrespective of whatever statement was made on behalf of the appellant before the Sessions Judge."

11. In **Shally Mahant @ Sandeep vs. State of Punjab**, SLP CrI. No.20-2026, decided on 09.02.2026, anticipatory bail was granted to the appellant therein by Hon'ble the Supreme Court while observing that failure to answer the questions of the IO, would not ipso facto mean there is non-cooperation.



12. In the matter at hand, neither was any complaint submitted by the complainant-petitioner nor has the State expressed any apprehension of the accused-respondent Nos.2 having tried to intimidate anyone or tamper with evidence. Nothing has been brought out to suggest that there is any danger of them absconding or fleeing from justice. The impugned orders are not shown to be suffering from any illegality and also there being no supervening facts, that may require intervention by this Court, as such, the present petitions being bereft of merit, are hereby dismissed.

13. It is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case.

14. A photocopy of this order be placed on the file of the connected case.

(AMAN CHAUDHARY)
JUDGE

16.03.2026
M.Kamra

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