



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

**CRM-M-16899-2023
Date of Decision: 25.02.2026**

Pushpender Singh

...Petitioner

Vs.

State of Haryana and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vishal Garg Narwana, Advocate with
Ms. Ashima Jindal, Advocate
Mr. Akshay, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

None for respondent No.2.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 439 (2) Cr.P.C read with Section 482 Cr.P.C with a prayer to quash the order dated 01.10.2022 (Annexure P-2) passed by the Court of Additional Sessions Judge, Faridabad, whereby, the respondent No.2/accused was granted the concession of anticipatory bail in a case arising out of FIR No.309, dated 29.08.2022, under Sections 408 and 34 of IPC, Police Station Sarai Khawaja, District Faridabad (Annexure P-1). A further prayer has been made to quash the order dated 23.02.2023 passed by the Court of Additional Sessions Judge, Faridabad (Annexure P-9), whereby, the petition for cancellation of bail filed by the petitioner has already been dismissed.

2. Learned counsel for the petitioner submits that the petitioner is a



complainant in a case FIR No.309 dated 29.08.2022 (Annexure P-1) under Section 408 and 34 of IPC, Police Station Sarai Khawaja, District Faridabad and the relevant extract of the FIR is as follows:-

“To, Respected Station House Officer, Police Station Sarai Khwaja, Faridabad. Subject:- In connection with the theft and fraud in a serial manner. Respected Sir, It is requested that a girl namely Pooja, whose Mobile Number is 9971935407 is working in my shop "Gallantry Salon at Shop No.8 2nd Floor, Crown Interior Mall since 5/02/2021 who was continuously committing theft for a long time and now she has been caught. Some new employees working in the shop had suspicion of theft upon Pooja, upon which they informed to me, on which I asked Pooja and other employees not to do so because it was only a suspicion, so I did not take any action. After this on the same day, Pooja borrowed Rs.5000/- from me in advance and stopped coming from the next day. Even after calling by me several times, Pooja did not come to the job from the next day and stopped picking up my phone. The next day another employee, Chhote Lal Thakur, also asked to leave the job. Due to which my suspicion increased. On dated 22/06/2022, Pooja came to the shop for accounting her salary. To check the theft committed by her, I asked her to show me her phone without saying anything, from which I came to know that she has got the full payment of service, transferred from our customers into her own UPI account instead of our UPI account. From some customers, half payment is done in our Account and half into her account. And these numbers are not in one or two rather in hundreds. On which I called the police by calling 112 number, in front of the police and the rest of the staff. Pooja has confessed not only the UPI transfer but also accepted the fact of committing theft of cash. Pooja also told that beside her, another employee working with her, Chhote Lal Thakur Mobile Number



9540160902 has also been an equal partner in the theft. After committing theft, they used to distribute among themselves the cash and the amount transferred by our customers in the account. Chhote Lal Thakur's phone also has UPI transfers which have been done from our customers by way of theft. As per the UPI transaction of Pooja's phone alone, theft of amount Rs. 200000/- has been committed. The total amount of theft amount will be ascertained only after checking their all bank's transactions and cash transactions. It is also necessary to find out who else was involved in the theft with them. Therefore, it is requested to your goodself that proper legal action should be taken by registering FIR on this matter at the earliest. Applicant: Pushpendra Singh 9718848526.”

3. Learned counsel for the petitioner submits that the respondent No.2/accused had moved an application for grant of anticipatory bail before the Court of Additional Sessions Judge, Faridabad and vide the impugned order dated 01.10.2022 (Annexure P-2), the respondent No.2 was granted the concession of anticipatory bail by completely overlooking the facts of the case and the gravity of the offence. He further contends that in the FIR (Annexure P-1), there were specific allegations against respondent No.2 that she along with other co-accused had committed theft of cash from his shop and the amount stood mis-appropriated. Even, the recovery of the amount involved in the present case was impossible due to the illegal order (Annexure P-2). Even, after grant of bail to her, the respondent No.2 was threatening and inducing the witness and this fact could be verified by the Investigating Agency. Still further, the offence could also be investigated after checking the bank account



transactions and cash transactions and the involvement of other accused in the present case was yet to be ascertained. Further, even the I.O of the present case did not conduct the investigation fairly. Even, the hand writing samples of respondent No.2 were yet to be collected and she did not co-operate with the Investigating Agency.

4. Learned counsel further contends that the Court of Additional Sessions Judge, Faridabad had issued specific directions to respondent No.2 to join the investigation and from the record, it was apparent that she was avoiding the Investigating Agency. Thus, the impugned orders are illegal and unsustainable.

5. On the other hand, learned State counsel submits that in the present case, the respondent No.2 had joined the investigation and even challan has also been presented before the Court. However, the charge is yet to be framed by the Trial Court.

6. Respondent No.2 was also served in the present case, however, the learned counsel representing respondent No.2 did not appear, during the course of Court hearing.

7. I have heard learned counsel for the parties and with their able assistance; I have perused the record carefully.

8. In the present case, while hearing the anticipatory bail petition filed by respondent No.2, the Court of Additional Sessions Judge, Faridabad had noticed the fact that the respondent No.2 had visited the police station and had joined the investigation. Even, the officials of Police Station Sarai Khawaja, Faridabad were directed to produce the CCTV footage of the police station,



however, S.I Deepak appeared in person and stated that they were not in possession of CCTV footage of police station. Thus, while granting the concession of anticipatory bail, the Additional Sessions Judge had rightly observed that the respondent No.2 had visited the police station for the purpose of joining the investigation. In any case, it is also apparent from the record that the respondent No.2 had joined the investigation and now, after concluding the investigation, final report under Section 173 Cr.P.C has already been presented before the Court of Area Magistrate.

9. Moreover, the petitioner has alleged that in fact, the respondent No.2 had been threatening the petitioner and had also posted some defamatory posts on social media platform “Twitter” against him and his wife and thus, violates the conditions contemplated under Sections 438 of Cr.P.C. However, again, I find no force in the submissions made by learned counsel for the petitioner. In fact, the posting of some defamatory post on “Twitter” did not amount to interference with the prosecution evidence. In case, the petitioner has any grievance, he could initiate the proceedings for the publication of defamatory articles/material against him. Still further, even there is no evidence to show that respondent No.2 had ever threatened the petitioner/complainant and she tried to influence the witnesses of the prosecution. Thus, even the petition filed by the petitioner for cancellation of bail of respondent No.2, was rightly dismissed by the Court of Additional Sessions Judge, Faridabad.

10. Still further, the Hon’ble Supreme Court has held in the matter of **M. Dharmarajam and others Vs.State of Telangana and Anr.**, 2020(1) RCR Criminal, 540 as follows:-



6. The factors to be considered while granting bail have been held by this Court to be 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 evidence and witnesses, and obstructing the course of justice etc. 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. The Court has to only opine as to whether there is *prima facie* case against the accused. For the purpose of bail, the Court must not undertake meticulous examination of the evidence collected by the police and comment on the same.

7. In **Raghubir Singh Vs. State of Bihar, (1986) 4 SCC 481** this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.

8. It is trite law that cancellation of bail can be done in cases where the order granting bail 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.

11. In view of the above discussion, finding no merits in the petition filed by the petitioner and the same is ordered to be dismissed.
12. Ordered accordingly.

25.02.2026

hitesh

Whether speaking/reasoned
Whether reportable

(N.S.SHEKHAWAT)
JUDGE

:Yes/No
: Yes/No