



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

(153)

CRM-M-18988-2025**Date of Decision: 16.03.2026**

SUKHJINDER KAUR

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. K.T. Rau, Advocate and
Ms. Archana Arora Rau, Advocate
for the petitioner.

Mr. Yadwinder Singh, AAG, Punjab.

Mr. Angrej Singh, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The instant petition under Section 483(3) of BNSS read with Section 528 of BNSS has been filed seeking cancellation of anticipatory bail granted by this Court to respondent No.2 in case FIR No.16 dated 26.01.2022 under Sections 498-A, 406 and 506 of IPC, registered at Police Station City Muktsar, Sri Muktsar Sahib vide impugned order dated 06.12.2022 (Annexure P-10) passed in CRM-M-16155-2022.

2. Learned counsel for the petitioner submits that the petitioner was married to respondent No. 2 in 2005, and has since been subjected to continuous mental and physical cruelty by respondent No.2 and his family, including persistent harassment for dowry, which continued even after the birth of their daughters. It is alleged that respondent No. 2 fraudulently obtained loans in the petitioner's name from ICICI Bank and Fullerton



same. After being ousted from the matrimonial home, the petitioner had to bear EMI deductions from her salary, amounting to approximately Rs. 23 lakhs. It is further submitted that despite the grant of anticipatory bail, respondent No. 2 continues to harass and threaten the petitioner, thereby breaching the conditions under Section 482(2) BNSS. He, therefore, submits that the anticipatory bail granted to respondent No.2 deserves to be cancelled.

3. The learned State counsel submits that this Court after due consideration of the facts of the case and the evidence adduced, granted anticipatory bail to respondent No.2 on 06.12.2022, upon his joining investigation and not being required any further for the same. He, while placing reliance on the status report, submits that upon completion of the investigation, no complaint or report alleging any incident of threats extended by respondent No. 2 has been made by the petitioner to the District Police. The complaint, annexed as Annexure P-14 was already considered during investigation, before the petitioner was granted the relief of pre-arrest bail. It is further submitted that the challan in the instant case was presented on 29.04.2023, and charges were framed against the petitioner on 20.10.2023.

4. Learned counsel for respondent No.2, after re-agitating the submissions made by the learned State counsel submits that the present petition warrants dismissal.

5. Heard learned counsel for the parties and perused the case record with their able assistance.

6. Perusal of the record reveals that it was only after hearing the all the parties, respondent No.2 was granted the concession of anticipatory bail. With respect to the alleged violation of the conditions for granting bail,



interference in investigation and the alleged threats made by the respondent No.2, no material has been placed on record to substantiate this contention.

7. As per the settled proposition of law, once bail has been granted, it would require cogent and overwhelming circumstances for its cancellation. The order granting bail can only be revoked by the Superior Court while granting the said concession ignored the relevant material available on record, as has been observed by Hon'ble Supreme Court in ***Vipin Kumar Dhir Vs. State of Punjab, 2021 SCC Online SSC 854.***

8. In ***Ms. X vs The State of Telangana (2018) 16 SCC 511,*** Hon'ble Supreme Court held that:

"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."

*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.”

9. A three Judge Bench of the Hon’ble Supreme Court in ***Deepak Yadav Vs. State of Uttar Pradesh and another, (2022) 8 SCC 559***, speaking through Justice Krishna Murari, observed as follows:

“33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:

33.1. Where the Court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.

33.2. Where the Court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.

33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.

33.4. Where bail has been granted on untenable grounds.

33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.

33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.

33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.”

10. Learned counsel for the petitioner has not been able to indicate any reasons necessitating cancellation of bail granted to respondent No.2. Nowhere it has been indicated that the sanctity of the trial, which is presently at the stage of prosecution evidence and is progressing at a considerable pace, will be adversely affected, if respondent No.2 continues to enjoy the concession of bail. It has also not been established other than



the terms and conditions of Section 482(2) of BNSS. The scope of interference by the Courts qua cancellation of bail is rather limited and adjudication upon the alleged facts, does not fall within its purview.

11. In view of the above discussion, this Court is of the considered view that the cancellation of bail granted to respondent No.2 would not meet the objective standard of reason and justice. Learned counsel for the petitioner has been unable to indicate any perversity in the impugned order dated 06.12.2022, or demonstrate any conduct on the part of respondent No.2 that would warrant interference by this Court.

12. In view of the aforesaid and in light of the judgments cited herein above, the petition is dismissed.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

March 16, 2026
Ritika

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