



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

104

**CRM-M-15312-2026 (O&M)
Date of decision: 20.03.2026**

DXXXXX

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Raman Kumar, Advocate
for the petitioner. (through V.C.)

Mr. Vikas Bhardwaj, AAG Haryana.

SHALINI SINGH NAGPAL, J.

1. The petition under Section 483(3) Bharatiya Nagarik Suraksha Sanhita, 2023 seeks cancellation of regular bail allowed to respondent No. 2 by this Court vide order dated 05.12.2025 in FIR No. 392, dated 08.08.2023, under Sections 137, 96 Bharatiya Nyaya Sanhita, 2023 and Section 6 Protection of Children from Sexual Offences Act, 2012, Police Station Saran District Faridabad.

2. Learned counsel for the petitioner submits that petitioner was father of the prosecutrix who lodged the aforesaid FIR against respondent No. 2. In that case, respondent No. 2 was allowed regular bail by this Court on 05.12.2025. In violation of conditions envisaged under Section 482 BNSS, respondent No. 2 eloped with petitioner's daughter on 11.02.2026 and had also taken away gold articles and ₹30,000/- cash. In this regard, petitioner moved a representation/complaint at Police Station Saran on 11.02.2026. Thus, respondent No. 2 intentionally and deliberately misused the concession of bail.



CRM-M-15312-2026 (O&M)

-2-

The police neither took any action on the complaint nor lodged any FIR. Therefore, bail of respondent No.2 in the said FIR ought to be cancelled.

3. In **Crl. Appeal No. 2381 of 2025, decided on 02.05.2025**, titled ***Sanjay Kumar Jangid and Another Vs. Mukesh Kumar Aggarwal and Another***, Hon'ble Supreme Court has observed as follows

*“16. The jurisprudence surrounding cancellation of bail under Section 439(2) of the CrPC is very clear as to that bail once granted should not be cancelled in a mechanical manner unless any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to enjoy the concession of bail during the trial. The grounds for cancellation of bail as illustrated in **Raghubir Singh v. State of Bihar (1986) 4 SCC 481** and reiterated in **Aslam Babalal Desai v. State of Maharashtra (1992) 4 SCC 272** broadly lay down the grounds on which a 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. These grounds are illustrative and not exhaustive. It has also been echoed in various judgments that*



rejection of bail stands on a different platform as compared to cancellation of bail which is considered to be a harsh order as it interferes with the liberty of an individual, and hence, it must not be lightly resorted to. [(5) Dolat Ram and Others Vs. State of Haryana, (1995) 1 SCC 349)]”

4. The principal of law well established by a line of precedents is that concession of liberty once granted is not to be withdrawn unless there is compelling justification there for.

5. The FIR was registered on complaint of the petitioner. While granting regular bail to respondent No. 2, this Court passed the following order:

“Complainant reported to the police that his daughter aged 16 years was missing since 11.00 AM on 06.08.2023 and he came to know that Chaman son of Veer Singh residing in their neighbourhood had lured her away.

Learned counsel for the petitioner submits that recovery of the prosecutrix was effected during investigation, 05 months after registration of the FIR and in her statement under Section 164 Cr.P.C., prosecutrix stated that she had gone to Rajasthan on her own and married Chaman in Delhi in the Court. Learned counsel further submits that prosecutrix also refused for medical examination. Even in her statement during the course of trial, on record as Annexure P-6, she did not support prosecution



case. Petitioner who was in judicial custody since 27.02.2024, deserves to be enlarged on bail.

Learned State counsel has opposed the prayer for regular bail on the ground of serious nature of allegations. He, however, concedes that prosecutrix did not support prosecution case and also refused for medical examination during investigation.

Petitioner is in custody w.e.f. 27.02.2024. He is not stated to be involved in any other case. His antecedents are clean. Statement of prosecutrix has been recorded during the course of trial and there is no prospect of the petitioner influencing her. Considering all relevant facts and circumstances of the case, but without meaning to express any opinion on merits, the petition is allowed. Petitioner-Chaman, is ordered to be released on regular bail on her furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.”

7. During the course of arguments, on a pointed query put by the Court, learned counsel for the petitioner conceded that on 11.02.2026, his daughter, who allegedly eloped with respondent No. 2, had attained majority. Written complaint dated 11.02.2026 said to be given to the police regarding elopement of petitioner's daughter is not on record. From bald allegations, unsupported by any material, no inference can be drawn that respondent No. 2 had misused the concession of bail. Rejection of bail and cancellation of bail are quite distinct and fall in different realms. Bail once granted can be cancelled

only on very strong and cogent grounds. Admittedly, statement of the prosecutrix had since been recorded and she has not supported prosecution case. There is nothing on record to even *prima facie* believe that respondent No. 2 had misused the concession of regular bail granted vide order dated 05.12.2025, or made an attempt to tamper with the evidence. In the given facts and circumstances of the case, there is no ground to cancel the bail of respondent No. 2 allowed vide order dated 05.12.2025. The petition which has no merit, stands dismissed.

8. Pending CRM(s), if any, are also disposed of accordingly.

20.03.2026
Ajay Goswami

(SHALINI SINGH NAGPAL)
JUDGE

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