



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

**CRM-M-20150-2024**

**Date of decision : 20.01.2026**

**Sunil Kataria**

**.....Petitioner**

**versus**

**State of Haryana and another**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Gurdeep Grewal, Advocate for  
Mr. Manish Soni, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

Mr. Maneet Kaushik, Advocate for respondent No.2.

**RAJESH BHARDWAJ, J.**

1. Prayer in the present petition is for cancellation of regular bail granted to accused/respondent No.2 vide order dated 25.08.2022, in case bearing FIR No.1352 dated 23.07.2019, under Sections 302, 307, 392, 397 and 120-B of IPC and Sections 25 1(A), 27(3) of Arms Act, registered at Police Station Shivaji Nagar, District Gurugram.

2. Learned counsel for the petitioner has submitted that petitioner before this Court is the complainant at whose behest the abovesaid FIR was registered against respondent No.2. He submits that respondent No.2 was granted bail by this Court vide order dated 25.08.2022 passed in CRM-M-19768-2022 in the aforementioned FIR. He submits that during pendency of the trial in that case, respondent No.2 has committed another offence under Sections 295-A, 307, 34, 506 of IPC and Section 25(1-B)(a) of Arms Act and FIR No.90 dated 26.03.2024 was registered against him. He submits that at the time of granting bail to respondent No.2, there was a specific condition that respondent No.2



would not indulge in any criminal activities. He submits that the petitioner has misused the concession of bail granted by this Court. He submits that keeping in view the nature of allegations and the gravity of the offence committed, the order granting regular bail to respondent No.2 deserves to be *set aside*.

3. Learned counsel for the respondent No.2, however, has submitted that the FIR was totally motivated in order to roped in respondent No.2 so as to get his bail cancelled. To buttress his arguments, he has submitted that after registration of FIR No.90 dated 26.03.2024, compromise was effected between the parties and the same was quashed by this Court vide order dated 07.08.2024 passed in CRM-M-17818-2024. He thus, submits that the contention raised by counsel for the petitioner is totally misconceived for cancellation of bail. He submits that the law pertaining to the cancellation of bail is entirely different from that of granting bail. He submits that respondent No.2 is duly appearing before the trial Court and no ground is made out for cancellation of bail.

4. Learned counsel for the State has opposed the submissions made by counsel for respondent No.2 and has submitted that respondent No.2 was granted bail subject to certain conditions. He submits that though FIR No.90 dated 02.03.2024 was registered against respondent No.2, however, the same was quashed on the basis of compromise. He submits that there is no other complaint against respondent No.2 regarding misusing his concession of bail.

5. This Court has heard counsel for the parties and perused the record.

6. In adverting to the distinction, a Bench of two learned Judges



of the Hon'ble Supreme Court in **Dolat Ram v. State of Haryana 1995(1) CLJ (Criminal) 26** observed that:

*"3. Rejection of 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 bail, broadly (illustrative and not exhaustive) 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 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."*

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7. These principles have been reiterated in the judgment titled as **Dataram Singh v State of Uttar Pradesh 2018 (2) SCALE 285, X v. State of Telangana and Another [(2018) 16 SCC 511]** and recently by Division Bench of the Hon'ble Supreme Court in **Himanshu Sharma v. State of Madhya Pradesh 2024(2) RCR(Criminal) 68** which has held as under:

*"12. Law is well settled by a catena of judgments rendered by this Court that the considerations for*



*grant of bail and cancellation thereof are entirely different. Bail granted to an accused can only be cancelled if the Court is satisfied that after being released on bail, (a) the accused has misused the liberty granted to him; (b) flouted the conditions of bail order; (c) that the bail was granted in ignorance of statutory provisions restricting the powers of the Court to grant bail; (d) or that the bail was procured by misrepresentation or fraud. In the present case, none of these situations existed."*

8. It is apparent that respondent No.2 was granted bail by this Court vide order dated 25.08.2022 and one of the condition was that he shall not indulge in any criminal activity. An FIR No.90 dated 26.03.2024 was lodged against him, however, as submitted before this Court, the same was quashed vide order dated 07.08.2024 passed in CRM-M-17818-2024 on the basis of compromise. There is nothing on record to show that respondent No.2 has ever misused the concession of bail or has violated the conditions imposed upon him while granting him bail. The parameters regarding granting bail and that of cancellation of bail rest entirely on different footings. This Court does not find any such ground for cancelling the regular bail granted to respondent No.2 and thus, finding no merit in the petition, the same is hereby dismissed.

20.01.2026  
ps-I

( RAJESH BHARDWAJ )  
JUDGE

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