

2026.PHHC.020949



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

210

CRM-M-18931-2025 (O&M)
Date of decision : 18.02.2026

Satnam Singh **...Petitioner**

Versus

State of Punjab and another **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ankush Rampal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. P. K. S. Phoolka, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner/complainant under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') seeking cancellation of regular bail granted by the Court of learned Additional Sessions Judge, Bathinda to respondent No. 2-Balwinder Singh @ Baljinder Singh in case arising out of FIR No. 34 dated 13.04.2023, registered under Sections 307, 459, 326, 427, 148 and 149 of IPC at Police Station Maur, District Bathinda, vide order dated 18.10.2024 (Annexure P-6).
2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the statement recorded by complainant Major Singh alleging therein that he was residing at

the house of his sister Karamjit Kaur at Mansa Kalan since last 28 years. On 12.04.2023, when he and his nephew Satnam Singh (petitioner) were sleeping in the house, the petitioner along with co-accused, armed with weapons, had entered into their house and caused several injuries on the person of Satnam Singh, some of which were found to be dangerous to life. After registration of the FIR, investigation proceedings were initiated. Respondent No. 2 was arrested on 08.05.2023. He moved an application for grant of regular bail before the learned trial Court but the same was dismissed, vide order dated 05.08.2023 (Annexure P-2). Thereafter, he filed a petition, bearing **CRM-M-44423-2023**, before this Court seeking concession of bail but the same was dismissed, vide order dated 30.08.2024 (Annexure P-4). After a period of more than two months, respondent No.2 again approached the learned trial Court for grant of bail by filing another application. However, in paragraph No. 3 of the said application, he had mentioned that 'no such or similar application for bail under any of the provisions of Code of Criminal Procedure has been made before any superior court.' The said application was considered by the learned trial Court and it was allowed by passing the order dated 18.10.2024 (Annexure P-6), granting concession of regular bail to the petitioner.

3. The petitioner, who is injured victim, has filed this petition seeking cancellation of regular bail granted to respondent No. 2, on the ground that he has concealed the factum of filing a petition before this Court for grant of bail, which was in fact dismissed.

4. It is argued by learned counsel for the petitioner that the impugned order dated 18.10.2024 is liable to be recalled as it was procured by respondent

No. 2 by concealing a material fact from the Court concerned that he had previously filed a petition with similar prayer but the same was dismissed. A perusal of paragraph No. 3 of the bail application (Annexure P-5) would clearly show that the aforesaid fact was concealed from the learned trial Court. There was no change in circumstances from the date of dismissal of his petition by this Court till the date when the second bail application of respondent No. 2 was allowed by the learned trial Court. It is, thus, argued that the impugned order is liable to be recalled, the petition deserves to be allowed and the benefit of bail granted to respondent No. 2 is liable to be cancelled.

5. Status report has been filed by the respondent-State. It is argued by learned State counsel that there were serious allegations against the petitioner. He was not entitled to get benefit of bail. He had procured said benefit from the trial Court by concealing the fact that his similar prayer had been previously declined by this Court. Hence, it is urged that the bail granted to respondent No. 2 is liable to be cancelled.

6. Respondent No. 2 has filed a reply contesting the petition and asserting that no ground for allowing the same is made out. It is submitted by learned counsel for respondent No. 2 that he was in custody since 08.05.2023. He was granted bail by the learned trial Court by duly considering all the aspects of the case like his custody, stage of trial and his clean antecedents. So far as non-mentioning of rejection of his bail petition by this Court in the second bail application moved before the learned trial Court is concerned, the same was purely inadvertent and only due to miscommunication with his counsel. He has clearly stated in paragraph No. 2 of the application that it was

the second bail application moved by him before the learned trial Court. Hence, there was no reason for him to conceal the factum of filing a bail petition before this Court and its dismissal thereof. While submitting that no case has been made out for cancellation of his bail, respondent No. 2 has prayed for dismissal of the present petition.

7. This Court has heard the rival submissions.

8. Before delving into the contentions as raised by learned counsel for the parties, this Court considers it necessary to discuss certain principles which govern the cancellation of bail as enunciated by Hon'ble Supreme Court in various pronouncements. Reference can firstly be made to ***Myakala Dharmarajam vs. the State of Telangana : (2020) 2 SCC 743***, wherein it was observed that an order for cancellation of bail can be made only where such order 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. Reliance can further be placed upon ***Sushila Aggarwal v. State (NCT of Delhi) : (2020) 5 SCC 1***, wherein it was observed that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses) or likelihood of his absconding. It was also observed that whether to grant bail or not is a matter of

discretion of the Court. Similar position of law had been laid down in ***Dolat Ram and others vs. State of Haryana :1995 SCC (1) 349.***

9. The ground urged by the petitioner for seeking cancellation of bail granted to respondent No.2 is that while filing the subsequent bail application before the learned trial Court, he concealed the factum of dismissal of his earlier bail petition by this Court and, therefore, the impugned order dated 18.10.2024 is vitiated and liable to be recalled. A perusal of the record would show that the bail petition of respondent No. 2 had been dismissed by this Court, as mentioned above but this fact was not mentioned in his second bail application, which he had filed before the learned trial Court and had been granted concession of bail. It has been consistently emphasized by the Hon'ble Supreme Court that an accused or applicant seeking bail is under a solemn obligation to make a fair, complete and candid disclosure of all material facts having a direct bearing on the exercise of judicial discretion. Any suppression, concealment or selective disclosure of such material facts amounts to an abuse of the process of law and strikes at the very root of the administration of criminal justice. Reliance in this regard can be placed upon the authority cited as ***Zeba Khan vs. State of U. P. and others, 2026 INSC 144.*** In this authority, the Hon'ble Supreme Court has also observed that an accused who is seeking bail must disclose about filing of previous bail applications, the Court(s) where the same were filed and the outcome thereof and non-mentioning of these details would amount to concealment of fact.

10. In view of the aforesaid discussion, this Court is of the considered opinion that the impugned order dated 18.10.2024 granting regular bail to

respondent No. 2 cannot be sustained in law. The record clearly establishes that while filing the subsequent bail application before the learned trial Court, respondent No. 2 concealed the material fact of dismissal of his earlier bail petition by this Court. Such suppression of a vital fact, which had a direct bearing on the exercise of judicial discretion, vitiates the very foundation of the impugned bail order. The explanation of inadvertence or miscommunication put forth by respondent No. 2 does not inspire confidence, particularly when there was no change in circumstances after dismissal of his bail petition by this Court. Though there is no infirmity in the order passed by the learned trial Court, however, obviously, the discretion to grant bail was exercised by the learned trial Court being ignorant of the fact that the bail petition moved by the petitioner for grant of bail had been dismissed by this Court just a month and eighteen days back. As such, the impugned order has become liable to be set aside in view of the discussion as made above. Consequently, the present petition is allowed and the regular bail granted to respondent No. 2, vide order dated 18.10.2024, is hereby cancelled, with a direction that respondent No. 2 shall surrender before the learned trial Court forthwith, failing which the trial Court shall take steps in accordance with law to secure his custody.

11. Registry is directed to transmit a copy of this order to the learned trial Court for compliance.

18.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No