



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M-23179-2024
Date of decision: 13.01.2026

TRIPTA RANIPetitioner

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Puneet Sharma, Advocate with
Ms. Shravya Doomra, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

Dr. (Ms.) Malvika Singh, Advocate
Amicus Curiae for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 439(2) Cr.P.C read with Section 482 Cr.P.C. for seeking cancellation of bail granted to respondent No.2-Manjeet Singh @ Billa vide order dated 22.02.2024, passed in CRM-M-2605-2024, arising out of case bearing FIR No. 09 dated 08.01.2023, registered for the offences punishable under Section 307 and 34 of the IPC, Section 25 of Arms Act, 1959, Section 302 and Section 120-B of IPC (Sections 54 and 59 of the Arms Act, 1959 added later on) at Police Station Kharar, District SAS Nagar.

2. Learned Counsel appearing on behalf of the petitioner contends that the petitioner's son, Kamesh Kumar, was murdered in the present case. The nephew of the petitioner saw the assailants, although the identities were not well established; hence, the FIR was registered on the complaint of Khushwant Rai. He contends that during the course of the investigation, a total of 06 persons have been nominated as accused. Three persons are residing in Italy. The daughter of the petitioner was married to one of the absconding accused, who is residing in Italy and there was a marital discord between the parties. As a result thereof, the said accused had to remain imprisoned abroad for nearly one year. The murder of the petitioner's son was planned on account of the grudge entertained by estranged son-in-law of the petitioner herein. He contends that the three other accused persons, who were in India, were taken into custody. The bail of two accused, including respondent No.2 herein, was allowed by this Court vide order dated 22.02.2024.

3. Counsel vehemently contends that the said order granting bail needs to be cancelled since the respondent No.2-accused Manjeet Singh @ Billa did not disclose his involvement in another criminal case wherein he had been convicted for the offence under Section 401 IPC arising out of FIR No. 177 dated 01.10.2016 registered at Police Station Mukerian, District Hoshiarpur and was convicted by the judgment dated 01.11.2022. It is contended that since there was non-disclosure of relevant facts, the bail granted to respondent No.2 vide order dated 22.02.2024 ought to be cancelled.

4. It is, however, fairly conceded by him that the complainant-Khushwant Rai did not support the prosecution and did not corroborate his statement. He was thus declared hostile.

5. Learned Amicus appearing on behalf of respondent No.2 contends that the argument advanced by the petitioner is bereft of merit since cancellation of bail cannot be equated to rejection of bail. While the aforesaid aspect may have been relevant for a Court to conclude as to whether bail is to be granted or not, however, the same would not by itself become a ground for cancellation of a bail already granted and more so, when the absence of criminal history was not the basis or consideration for the Court to grant bail.

6. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended along with the present petition. It is evident from a perusal of the order sheets that the following facts and reasons were recorded in the order of 22.02.2024, while granting bail to respondent No.2:-

“4. As per the prosecution, the petitioners i.e. Naveen Kumar Sharma as well as Manjit Singh @ Billa accompanied main accused Ranjit Singh in the present occurrence. Ranjit Singh fired on the deceased and it is further claimed that all of them travelled in the car owned by Naveen Kumar Sharma.

5. Counsel for the petitioner submits that both the petitioners are behind bar for more than 01 year and 29 days and apart from the bald allegation levelled by Tripta Rani, there is no cogent evidence against the petitioners.

6. Counsel for the complainant Mr. Sharma on the other hand has submitted that though it is a blind murder, the chain of circumstances does show that the petitioners are the culprits alongwith main accused Ranjit Singh. He further submits that the cogent evidence could not be unearthed on

account of shoddy investigation and for that the complainant has already before the trial Court. He has referred to order dated 03.02.2024 passed by JMIC and further to the complaint dated 27.01.2024 made by Tripta Rani to SHO Police Station Sadar Kharar. He thus submits that at the time of commission of offence Jatinder Singh on whose directions whole of this occurrence has taken place was in India and his call details hold the key.

7. Counsel for the State on the other hand submits that it is a heinous crime of murder and allegations levelled against the petitioners are serious. On being asked as to what is the evidence to show that it is a car of the petitioner-Naresh Kumar Sharma which was involved in the present crime, he fairly admits that the same is on the basis of confessional statement made by Naveen Kumar Sharma while in police custody.

7. It is evident from the perusal of the aforesaid order that the petitioner was well represented in the said proceedings before the Court. The arguments advanced on behalf of respondent No.2 were to the effect that he had already undergone a custody of more than 01 year and that apart from the sole self serving statement of Tripta Rani, i.e. the petitioner herein, no evidence links respondent No.2 to the commission of the offence. It is also noticed that a specific question had been put to the State to show that the car of the petitioner Naresh Kumar Sharma had been used in the commission of the offence, to which the State Counsel admitted that such evidence was only based on the confession of the co-accused, while in police custody. It is also evident that the reason which weighed upon the Court in granting the concession of bail was the period of incarceration already suffered and that the allegations, even when taken on face value, the main accused Ranjit Singh was attributed the act of firing the gunshot. Hence, the existence of

any criminal antecedents did not lay any foundation or reason for the order granting bail.

8. It is also not in dispute that the respondent has in any manner abused the concession granted in his favour.

9. Without disputing that criminal antecedents may be a relevant factor for grant of bail, however, taking into consideration that the same was not a factor which weighed upon the Court while considering the application and that the grounds that had been in the mind of Court were the period of custody already undergone by the accused, the nature of attribution, and the role attributed to the specific parties. I am thus of a considered opinion that the grounds being agitated by the petitioner cannot be given much weightage as all the said grounds were available to her during the course of grant of regular bail to the respondent-accused. The reopening of the case of bail cannot be undertaken under the garb of seeking cancellation of bail on the same facts.

10. Consequently, the present petition is dismissed.

JANUARY 13, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No