



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

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CRM-M-21189-2026

Decided on:- 28.04.2026

Ramesh Sanka

....Petitioner

Versus**State of Haryana and another**

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ashok Aggarwal, Senior Advocate assisted by
Mr. Nilesh Bhardwaj, Advocate,
Mr. Shrenik Jain, Advocate,
Mr. Vineet Sehgal, Advocate and
Mr. Nikhil K. Vashisht, Advocate
for the petitioner.

Mr. Abhishek Yadav, DAG, Haryana.

Mr. P.S. Ahluwalia, Senior Advocate assisted by
Mr. Deepinder Singh Virk, Advocate and
Mr. Anand Vardhan, Advocate
for respondent No. 2.

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AMARJOT BHATTI, J.

1. Petitioner Ramesh Sanka filed petition under Section 528 of BNSS, 2023 (earlier Section 482 Cr.P.C.) for quashing and setting aside impugned order dated 02.04.2026 (Annexure P-1) passed by learned Additional Sessions Judge, Gurugram vide which anticipatory bail granted in favour of present petitioner vide order dated 24.04.2020 by Duty/learned Additional Sessions Judge, Gurugram has been cancelled, with further direction to surrender before the Court within a period of three weeks in FIR No. 58 dated 30.03.2020 under Section 381 and 409 IPC (Section 306 & 316(5) BNS, 2023) registered at Police Station Sector-65, Gurugram



(Annexure P-2), with further prayer to stay the operation of aforesaid impugned order or any other relief which the Court may deem fit in the given facts and circumstances of case.

2. Learned counsel representing petitioner argued that on the complaint of respondent No. 2, FIR No. 58 dated 30.03.2020 (Annexure P-2) (supra) has been registered. He was granted interim anticipatory bail by the Court of the then Additional Sessions Judge, Gurugram dated 11.04.2020 (Annexure P-3), which was made absolute by the then Duty/Additional Sessions Judge, Gurugram vide order dated 24.04.2020 (Annexure P-4). On 14.07.2020, on completion of investigation, when challan was submitted, petitioner surrendered and submitted himself to jurisdiction of trial Court and filed application for regular bail which was granted by the then Judicial Magistrate Ist Class, Gurugram vide order dated 14.07.2020 (Annexure P-5). Complainant filed multiple frivolous applications including application for cancellation of bail out of vengeance. He was further involved in number of cases as detailed in petition. After grant of regular bail, petitioner visited Dubai only for one day i.e. 03.02.2022 to 04.02.2022 for job interview in connection with his livelihood. He visited for second time to USA from 14.04.2022 to 22.04.2022 on account of personal emergency. His brother-in-law late Sh. Keshav Kalla was suffering from acute pancreatic cancer of fourth stage, who finally expired on 07.09.2022 in USA. Death Certificate is Annexure P-6. Petitioner was under *bona fide* belief that there was no requirement to seek prior permission from the Court, since he was no longer on anticipatory bail. His Advocate informed him that he was granted unconditional bail on 14.07.2020 (Annexure P-5). Petitioner had returned



to India within a short span of time. No proceedings were being carried out during the period of his travel. He did not miss out any date of hearing before the trial Court. There was no intention on the part of complainant to flee from country. He never misused his liberty and returned back to India each time within a short period and participated in proceedings before the trial Court. Complainant filed application before trial Court on 26.04.2022 to confirm and verify his whereabouts. Trial Court directed him to furnish copy of his Passport. Copy of order dated 16.07.2022 is Annexure P-7. Petitioner had assailed said order by filing CRM-M-37989-2022 in High Court. Order passed in said petition dated 26.08.2022 is Annexure P-8. Thereafter, complainant filed application for cancellation of bail, which was declined by passing detailed order dated 05.11.2022 (Annexure P-9). Complainant filed another application on 24.11.2022 under Section 439(2) Cr.P.C. before Sessions Court for cancellation of bail on the ground that petitioner travelled abroad without prior permission of Court in terms of anticipatory bail granted in his favour. Said application is Annexure P-10. Reply filed by petitioner is Annexure P-11. Said application was finally accepted by learned Additional Sessions Judge, Gurugram vide impugned order dated 02.04.2026 (Annexure P-1). Learned counsel representing petitioner pointed out that while granting anticipatory bail vide order dated 24.04.2020 (Annexure P-4), conditions were imposed. However, at the time of presentation of challan on 14.07.2020, when petitioner applied for regular bail no such condition was imposed. Under these facts and circumstances, petitioner went abroad twice without taking prior permission from the trial Court. He was under *bona fide* belief that since he was granted regular bail without any condition, therefore, he was not



required to take prior permission from Court concerned.

Learned counsel representing petitioner has relied upon the judgment cited in ***(1978) 2 Supreme Court Cases 411***, case titled “**State (Delhi Administration) Versus Sanjay Gandhi**” in Criminal Appeal No. 188 of 1978, decided on May 5, 1978, where in para No. 13, it was observed as under :-

“13. Rejection of bail when bail is applied for is one thing; cancellation of bail already granted is quite another. It is easier to reject a bail application in a non-bailable case than to cancel a bail granted in such a case. Cancellation of bail necessarily involves the review of a decision already made and can by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial.....”

He has also relied upon other judgment cited in ***(1995) 1 Supreme Court Cases 349***, case titled “**Dolat Ram and others Versus State of Haryana**” in Criminal Appeal No. 839 of 1994, decided on November 24, 1994, relevant para No.4 runs as under :-

“4. 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. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.”

It is pointed out that in the case in hand, complainant/prosecution has not suffered any prejudice by the act of petitioner nor trial in the case has been hampered. Therefore, there was no occasion for learned Additional Sessions Judge, Gurugram to cancel the bail of petitioner by passing impugned order dated 02.04.2026 (Annexure P-1). It is pointed out that petitioner is already facing trial and will not misuse the concession of bail granted in his favour. In the light of this, impugned order dated 02.04.2026 passed by learned Additional Sessions Judge, Gurugram (Annexure P-1) may kindly be set aside by accepting present petition.

3. On the other hand, learned counsel representing State of Haryana and learned counsel representing respondent No. 2 opposed petition by taking the stand that infact, petitioner has misused the concession of bail granted in his favour vide order dated 24.04.2020 (Annexure P-4). There was specific condition that petitioner shall not leave India without prior permission of Court. Admittedly, petitioner went abroad twice i.e. to Dubai and USA without seeking prior permission of



Court. Therefore, he has misused concession of bail granted in his favour. Learned counsel representing respondent No. 2 referred to judgment of Supreme Court of India (Constitution Bench) cited in **2020(1) RCR(Criminal) 833**, cited in **“Sushila Aggarwal and others Versus State (NCT of Delhi) and another”** in **Special Leave Petition (Criminal) Nos. 7281-7282 of 2017, decided on 29.1.2020**, where in para No. 7.1, it was observed as under :-

“7.1 Power to grant “anticipatory bail” under section 438 of the Cr.P.C., 1973 vests only with the Court of Sessions or the High Court. Therefore, ultimately it is for the concerned court to consider the application for “anticipatory bail” and while granting the “anticipatory bail” it is ultimately for the concerned court to impose conditions including the limited period of “anticipatory bail”, depends upon the stages at which the application for anticipatory bail is moved. A person in whose favour a pre-arrest bail order is made under section 438 of the Cr.P.C., 1973 has to be arrested. However, once there is an order of pre-arrest bail/anticipatory bail, as and when he is arrested he has to be released on bail. Otherwise, there is no distinction or difference between the pre-arrest bail order under Section 438 and the bail order under Section 437 & 439 of the Cr.P.C. The only difference between the pre-arrest bail order under Section 438 and the bail order under Sections 437 and 439 is the stages at which the bail order is passed. The bail order under section 438 of the Cr.P.C., 1973 is prior to his arrest and in anticipation of his arrest and the order of bail under Sections 437 and 439 is after a person is arrested. A bare reading of section 438 of the Cr.P.C., 1973 shows that there is nothing in the language of the Section which goes to show that the pre-arrest bail granted under Section 438 has to be time bound. The position is the same as in Section 437 and section 439 of the Cr.P.C., 1973.”



Thus, it was finally observed that anticipatory bail once granted operates till the end of trial unless or until any specific restriction is imposed regarding the period of time for which it has been granted by the Court. Therefore, conditions imposed in anticipatory bail order dated 24.04.2020 (Annexure P-4) were fully applicable on petitioner. He was under obligation to seek prior permission of Court before going abroad.

Learned counsel representing respondent No. 2/complainant and learned counsel representing State of Haryana further pointed out that conduct of petitioner was rightly observed by learned Additional Sessions Judge, Gurugram while passing order dated 02.04.2026. He resisted showing his Passport to Court. He filed various applications to hamper the proceedings of trial Court. During this period, he filed number of applications seeking exemption from personal appearance, as a result, till date no prosecution evidence has been examined after framing of charges. Petitioner is involved in several other criminal cases. Therefore, considering the facts and circumstances of case, impugned order dated 02.04.2026 (Annexure P-1) was rightly passed vide which anticipatory bail granted in his favour vide order dated 24.04.2020 was rightly cancelled and he has been directed to surrender before trial Court. Petition filed by petitioner is without merits and same deserves dismissal.

4. I have considered the arguments advanced by learned counsel representing petitioner and learned counsel representing State assisted by learned counsel representing respondent No. 2/complainant. It is matter of record that present petitioner is accused in FIR No. 58 dated 30.03.2020 (Annexure P-2) (supra). Initially, he applied for anticipatory bail. He was granted interim relief vide order dated 11.04.2020 (Annexure P-3) with



direction to join investigation and thereafter, interim bail granted in his favour was made absolute vide detailed order dated 24.04.2020 (Annexure P-4). Admittedly, conditions envisaged under Section 438(2) of Code of Criminal Procedure, 1973 were imposed including one of the conditions that he shall not leave India without prior permission of Court. In this case, challan was presented on 14.07.2020 and as per *zimni* order dated 14.07.2020 (Annexure P-5), present petitioner filed application seeking regular bail before concerned Illaqa Magistrate. Since, Ramesh Sanka-accused/petitioner was granted anticipatory bail by learned Additional Sessions Judge, Gurugram vide order dated 24.04.2020, he was directed to furnish bail bonds in the sum of Rs. 50,000/- with one surety in the like amount, which were duly furnished, accepted and attested by the Court. Accordingly, Ramesh Sanka – accused/petitioner was released on bail forthwith.

5. Admittedly, petitioner went abroad twice without getting prior permission from the Court. Firstly, he went to Dubai on 03.02.2022 and returned on 04.02.2022. He again visited USA from 14.04.2022 to 22.04.2022. As per stand taken by petitioner, he had gone to Dubai for job interview and he had gone to USA to meet his brother-in-law who was suffering from pancreatic cancer of fourth stage, who finally expired on 07.09.2022. Learned counsel representing petitioner took the stand that at the time of granting regular bail as per order dated 14.07.2020 (Annexure P-5), no condition was imposed. Therefore, petitioner was under *bona fide* belief that since there was no condition imposed in said order, therefore, he was not required to take prior permission. I have considered the stand taken by learned counsel representing petitioner. In this regard, learned counsel



representing respondent No. 2 has rightly referred to judgment of Supreme Court of India (Constitution Bench) in ***Sushila Aggarwal and others' case (supra)***, where it was finally settled that once anticipatory bail is granted, it will continue till final trial, unless or until any special condition is imposed therein. Under these circumstances, there was no requirement for petitioner to file application for regular bail at the time of presentation of challan. Order dated 24.04.2020 (Annexure P-4) granting anticipatory bail along with conditions imposed therein were fully applicable to petitioner. Controversy was finally settled by Supreme Court of India in ***Sushila Aggarwal and others' case (supra)*** vide judgment dated 29.01.2020, whereas, petitioner was granted anticipatory bail on 24.04.2020 (Annexure P-4).

6. Other aspect of present case is cancellation of anticipatory bail already granted in favour of petitioner. It is well settled proposition that concession of bail already granted in favour of an individual can be cancelled under special circumstances. There is altogether different yardstick for cancellation of bail. Facts and circumstances of each case have to be considered carefully. In the case in hand, bail granted in favour of petitioner has been cancelled on the sole ground that he had gone abroad twice as referred above without seeking prior permission of Court. There is no doubt that anticipatory bail application allowed vide order dated 24.04.2020 was to continue during trial in aforesaid FIR and in the light of judgment of Supreme Court of India in ***Sushila Aggarwal and others' case (supra)***, there was no requirement for petitioner to file application seeking regular bail at the time of presentation of challan. At the same time, in the light of order dated 14.07.2020 (Annexure P-5), petitioner had impression



in his mind that since he has been granted regular bail without conditions, therefore, he was not required to seek prior permission before going abroad.

Secondly, conduct of petitioner cannot be ignored as both times petitioner went abroad for a short duration of time and returned back. He is still facing trial. There is nothing to suggest that he had any intention to evade the process of law or to hamper the proceedings of trial. In the light of aforesaid factual position, aforesaid violation of condition in anticipatory bail order does not amount to an attempt to interfere with administration of justice nor trial has been adversely affected as and when petitioner went abroad.

Thirdly, registration of other FIRs against petitioner are concerned, those will be decided on its own merits. In case any miscellaneous application is filed during pendency of trial, it is for trial Court to deal with same as per law. It is pointed out that petitioner filed various applications seeking exemption, same were disposed of by concerned trial Court and this aspect cannot be held adverse to petitioner. It is entirely in the hands of trial Court to allow or decline the applications filed from time to time as per law and to proceed with recording of evidence.

7. Petitioner had gone abroad in the year 2022 and till date he has not violated any term or condition of anticipatory bail order dated 24.04.2020 (Annexure P-4) and is facing trial. Therefore, after the lapse of about 04 years and 02 months approximately, I do not find justification in impugned order dated 02.04.2026 (Annexure P-1) passed by learned

Additional Sessions Judge, Gurugram vide which anticipatory bail granted



in favour of petitioner has been cancelled with direction to surrender before the trial Court.

Consequently, petition filed by petitioner is allowed and impugned order dated 02.04.2026 (Annexure P-1) passed by learned Additional Sessions Judge, Gurugram is, accordingly, set aside.

8. It is made clear that petitioner shall remain bound by the terms and conditions of bail order dated 24.04.2020 (Annexure P-4).

9. Pending application(s), if any, also stands disposed of accordingly.

28.04.2026

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(AMARJOT BHATTI)
JUDGE

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