



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(115)

CRM-M-28299-2026
Date of Decision: 18.05.2026

Vxxx Mxxx

.....Petitioner

Versus

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sanjeev Kaushik, Advocate (Legal Aid Counsel) with
Mr. Divyanshu Kaushik, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The instant petition under Section 439(2) of Cr.P.C. has been filed seeking cancellation of bail granted to respondent No.2 by the learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur vide order dated 20.11.2025 (Annexure P-2) in case FIR No.126 dated 09.07.2023 (Annexure P-1) under Sections 376, 304-A, 313, 314, 212, 216 of IPC, registered at Police Station Dinangar, District Gurdaspur.
2. Learned counsel for the petitioner submits that respondent No.2 is alleged to have, in connivance with the main accused, alleged to have made the daughter of the petitioner undergo abortion of the resultant pregnancy. It is submitted that the illegal abortion led to in septic complications, causing the death of the victim, as is reflected in the postmortem report (Annexure P-5). The petitioner had specifically named



respondent No.2 and other co-accused in his complaint to SSP Gurdaspur and in his statement before the DSP, Crime Against Women (Annexure P-3 & P-4). It is further submitted that despite specific allegations in the FIR, the learned Trial Court erroneously granted regular bail to respondent No. 2 vide order dated 20.11.2025 without appreciating the gravity of the offence, material evidence on record, and the earlier rejection of her anticipatory bail application. He, therefore, submits that the bail granted to respondent No.2 deserves to be cancelled.

3. The learned State counsel reiterates that learned trial Court after due consideration of the facts of the case and the evidence adduced, granted bail to respondent No.2.

4. Heard learned counsel for the parties and perused the case record with their able assistance.

5. As per the settled proposition of law, once bail has been granted, it would require cogent and overwhelming circumstances for its cancellation. In this regard, a gainful reference can be made to the observations of the Hon'ble Supreme Court in ***Ms. X vs The State of Telangana (2018) 16 SCC 511***, wherein it was held that:

“In a consistent line of precedent this Court has emphasised the distinction between the rejection of bail in a non-bailable case at the initial stage and the cancellation of bail after it has been granted. In adverting to the distinction, a Bench of two learned Judges of this Court in Dolatram v State of Haryana [(1995) 1 SCC 349]] observed that:

“Rejection of a 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 the bail, already granted, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of



administration of justice or evasion of 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 have been reiterated by another two Judge Bench decision in Central Bureau of Investigation, **Hyderabad v Subramani Gopalakrishnan (2011) 5 SCC 296** and more recently in **Dataram Singh v State of Uttar Pradesh (2018) 3 SCC 22**:*

“It is also relevant to note that there is difference between yardsticks for cancellation of bail and appeal against the order granting bail. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted. Generally speaking, the grounds for cancellation of bail 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 concessions granted to the accused in any manner. These are all only few illustrative materials. The satisfaction of the Court on the basis of the materials placed on record of the possibility of the accused absconding is another reason justifying the cancellation of bail. In other words, 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.”

6. A three Judge Bench of the Hon’ble Supreme Court in **Deepak Yadav Vs. State of Uttar Pradesh and another, (2022) 8 SCC 559**, speaking through Justice Krishna Murari, observed as follows:

“33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:

33.1. Where the Court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.

33.2. Where the Court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse



of position and power over the victim.

33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.

33.4. Where bail has been granted on untenable grounds.

33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.

33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.

33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.”

7. A perusal of the impugned order granting regular bail to the respondent No.2 reveals that same is speaking and well reasoned, and was passed after due consideration of the facts of the case & the material on record. Learned counsel for the petitioner has not been able to indicate any reasons necessitating cancellation of bail granted to the respondent No.2. Nowhere it has been indicated that the sanctity of the trial will be adversely affected, if the respondent No.2 continues to enjoy the concession of bail. It has also not been established, that there was any violation of the terms and conditions of bail by respondent No.2. Trite to say that the power to cancel bail, which is on a different footing from the grant of bail, must be exercised sparingly, and only upon existence of cogent & overwhelming circumstances demonstrating misuse of liberty, interference with the administration of justice or a conduct prejudicial to the conduct of a fair trial, which is not so in the present case.

8. In view of the above discussion, this Court is of the considered view that the cancellation of bail granted to respondent No.2 would not meet the objective standard of reason and justice. Learned counsel for the petitioner has been unable to indicate any perversity in the impugned order dated 20.11.2025, or demonstrate any conduct on the part of respondent



No.2 that would warrant interference by this Court.

9. In view of the aforesaid and in light of the judgments cited herein above, the petition is dismissed.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

May 18, 2026
Ritika

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