



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

CRM-M-29740-2025 (O&M)

Gagandeep Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

| Sr. No. | Particulars                                                                              | Details        |
|---------|------------------------------------------------------------------------------------------|----------------|
| 1       | The date when the judgment is reserved                                                   | 16.03.2026     |
| 2       | The date when the judgment is pronounced                                                 | 18.03.2026     |
| 3       | The date when the judgment is uploaded on the website                                    | 18.03.2026     |
| 4       | Whether only operative part of the judgment is pronounced or full judgment is pronounced | Full           |
| 5       | The delay, if any, of the pronouncement of full judgment, and reasons thereof            | Not applicable |

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Avtar S. Khinda, Advocate  
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. P. S. Ahluwalia, Senior Advocate with  
Mr. H. S. Randhawa, Advocate and  
Ms. Simerpreet Sekhon, 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 anticipatory bail granted to respondent No. 2- Udham Singh in case arising out of FIR No. 299 dated 19.04.2023, registered

under Sections 420, 465, 467, 468, 471 and 474 of IPC at Police Station Sultanpur Lodhi, District Kapurthala, vide order dated 19.04.2023, passed by this Court in **CRM-M-34396-2020**.

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the petitioner with the allegations that respondent No. 2, in connivance with other co-accused, had forged and fabricated an agreement to sell dated 30.04.2012 as the same was having no details of the stamp vendor, who had sold it. After registration of the FIR, investigation proceedings were initiated. Apprehending his arrest, respondent No. 2 filed the aforementioned petition before this Court seeking grant of anticipatory bail. Vide order dated 29.10.2020, the arrest of respondent No. 2 was stayed. Subsequently, he was granted concession of anticipatory bail by this Court, vide order 19.04.2023.

3. It is argued by learned counsel for the petitioner that the impugned order dated 19.04.2023 is liable to be withdrawn as the same had been procured by respondent No. 2 by misleading the Court. A perusal of order dated 29.10.2020 would clearly indicate that interim relief in the form of stay on arrest was granted to respondent No. 2 on a categorical statement made by his counsel that respondent No. 2 ready to relinquish all rights accrued by virtue of the alleged agreement to sell. However, respondent No. 2 instituted a civil suit for specific performance on the basis of the aforesaid agreement to sell dated 30.04.2012, while also challenging the subsequent sale deeds dated 22.07.2013 and 25.02.2013. The said suit was decreed *ex parte* on 22.11.2019.

It is further argued that the petitioner has already moved an application under Order IX Rule 13 CPC for setting aside the *ex-parte* judgment and decree, *inter alia* on the ground that respondent No. 2 had given an undertaking before this Court on 29.10.2020 to relinquish his rights arising out of the agreement to sell. While opposing the said application, respondent No. 2 has taken a contradictory stand before the trial Court by asserting that no such undertaking was ever given and that he had merely made an offer before this Court. Respondent No. 2 secured the concession of anticipatory bail from this Court on the representation that he would not claim any rights under the agreement to sell dated 30.04.2012 and on that basis, interim bail was confirmed on 19.04.2023 but he has now resiled from the said undertaking and is actively pursuing civil rights arising out of the same agreement, thereby misleading the Court and abusing the concession of bail. With these broad submissions, it is urged that the impugned order is liable to be recalled, the petition deserves to be allowed and the benefit of anticipatory bail granted to respondent No. 2 is liable to be cancelled.

4. Respondent No. 1-State has filed a short reply. Learned State counsel has not disputed the factual assertions.

5. Respondent No. 2 has filed reply contesting the petition and asserting that no ground for allowing the same is made out. Learned senior counsel for respondent No. 2 has argued that a perusal of order dated 19.04.2023 would itself reveal that it was observed by this Court that respondent No. 2 himself was a victim at the hands of one Harwinder Singh Jutla, who had impersonated and caused a loss of Rs.8 Lakhs to him. The

Court had duly noticed that respondent No. 2 had joined investigation and was not required for any further investigation. There is no allegation that he has misused the concession of bail. The grounds, on which the petitioner is seeking cancellation of bail granted to respondent No. 2, are impermissible in law. Hence, he has prayed for dismissal of the present petition.

6. This Court has heard the rival submissions.

7. 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.***

8. On applying the aforesaid principles to the facts of the present case, this Court finds that the principal contention raised by learned counsel for the petitioner is that respondent No. 2 had made a statement before this Court on 29.10.2020 that he was ready to relinquish all rights arising out of the agreement to sell dated 30.04.2012 and on that basis, interim protection was granted, which later culminated into confirmation of anticipatory bail on 19.04.2023. It is alleged that respondent No. 2 has acted contrary to the said statement by pursuing civil remedies. However, a careful perusal of the order dated 19.04.2023 reveals that the grant of anticipatory bail was not founded solely on any such statement. Rather, this Court had taken into consideration the overall facts and circumstances of the case including the nature of allegations, the role attributed to respondent No. 2, the fact that he had joined investigation and that he was not required for further custodial interrogation. It was also noticed that respondent No. 2 himself claimed to be a victim of alleged impersonation resulting in financial loss. Significantly, there is no material placed on record to demonstrate that respondent No. 2 has, after grant of anticipatory bail, misused the concession granted to him. There are no allegations that he has attempted to influence witnesses, tampered with evidence, evaded the process of law or failed to join investigation as and when required. The grievance sought to be projected by the petitioner essentially pertains to the alleged inconsistency in the stand of respondent No. 2 regarding relinquishment of his civil rights under the agreement to sell, which

is already the subject matter of independent civil proceedings. Such a dispute, in the considered opinion of this Court, falls within the domain of adjudication by the competent civil court and cannot, by itself, constitute a valid ground for cancellation of bail. Even otherwise, whether the statement made on 29.10.2020 amounts to a binding undertaking and the effect thereof are matters which can appropriately be examined in the relevant proceedings where such issue directly arises. The same cannot be indirectly made a basis for seeking cancellation of bail in the absence of any demonstrable abuse of the concession granted.

9. In view of the settled legal position and in the absence of any supervening circumstances or cogent material indicating misuse of liberty by respondent No. 2, this Court finds no justification to interfere with the order dated 19.04.2023 granting anticipatory bail. Consequently, the present petition, being devoid of merit, is hereby dismissed.

18.03.2026

*Waseem Ansari*

(MANISHA BATRA)

JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |