



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

(101)**CRM-M-40858-2023****Date of Decision: 16.03.2026**

SUNITA SAINI @ PAMAL SAINI

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Munish Behl, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Arun Singla, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C., is for cancellation of regular bail granted to respondent No. 2 vide order dated 13.07.2022 (Annexure P-2) by the learned Additional Sessions Judge, Ambala (in Bail Application No.1151 of 26.05.2022 titled as Ashish Saini Versus State of Haryana), in case FIR No. 304 dated 17.05.2022, under Sections 354, 354-C, 354-D of IPC and Sections 67, 67A, 67B of Information Technology Act, 2000 (lateron added Sections 201 & 328 of IPC), registered at Police Station Ambala Cantt., District Ambala.

2. Learned counsel for the petitioner submits that respondent No. 2 after being enlarged on bail vide order dated 13.07.2022 passed in the aforesaid FIR, created fake social media accounts and, using the photographs of the petitioner, interacted with third parties, thereby causing



defamation and harassment to her. He even issued threats to the petitioner via WhatsApp. It is submitted that this conduct constituted a violation of the conditions imposed on him in the order granting bail. Therefore, the bail granted in FIR No. 304/2022 warrants cancellation.

3. Per contra, the learned counsel for respondent No.2 has vehemently opposed the prayer made in the present petition.

4. The learned State counsel submits that while two subsequent FIR against respondent No. 2, namely FIR Nos. 25/2022 and 525/2023, have been registered upon the complaints made by the petitioner, alleging offences of a similar nature, the respective investigation in these matters has been completed and the trials are ongoing. The trial in the original FIR No. 304/2022, in which bail was granted, is also at an advanced stage, with 17 out of 19 witnesses examined. However, on a pointed query, it is submitted that there is no direct and cogent evidence forthcoming at this stage to show that the private respondent has violated any specific conditions of bail imposed in FIR No. 304/2022.

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

6. As per the settled proposition of law, once bail has been granted, it would require cogent and overwhelming circumstances for its cancellation. The order granting bail can only be revoked by the Superior Court while granting the said concession ignored the relevant material available on record, as has been observed by Hon'ble Supreme Court in ***Vipin Kumar Dhir Vs. State of Punjab, 2021 SCC Online SSC 854.***

7. In ***Ms. X vs The State of Telangana (2018) 16 SCC 511***, Hon'ble Supreme Court held that:



*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.”

8. 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.”

9. Pertinently, it has been brought to the notice of this Court that the trial in FIR No. 304/2022, in which impugned bail order was passed, is at an advanced stage, with 17 out of 19 prosecution witnesses already examined. While the allegations levelled in the subsequent FIRs are similar in nature and, prima facie might suggest a potential breach of the bail condition, however, there is no adjudication establishing such a breach. Trite to say that bail once granted cannot be cancelled merely on the basis of allegations or pending proceedings. Cancellation of bail is an exceptional remedy and requires material evidence showing a breach of bail conditions, interference with the investigation, or risk to the administration of justice in the original case. The factum of pendency of trial or allegations of similar offences by itself is, in the opinion of this Court, insufficient to warrant the exercise of the power of the Court to do the same.

10. In the present matter, while the petitioner has raised serious allegations regarding the conduct of respondent No. 2, there is no conclusive evidence to demonstrate a definite violation of the bail condition imposed in



advanced stage, and interfering with the bail at this stage could unnecessarily disrupt the ongoing proceedings. Nowhere it has been indicated that the sanctity of the trial will be adversely affected, if respondent No.2 continues to enjoy the concession of bail. The ongoing trials in the subsequent FIRs will independently determine the culpability of the accused in those matters. In view of the above, the court finds no ground to interfere with the regular bail already granted. The petition for cancellation of bail is accordingly dismissed.

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

(KIRTI SINGH)
JUDGE

March 16, 2026

Ritika

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