



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206)

CRM-M-37869-2025 (O&M)

Date of Decision: 05.02.2026

XXXXXX

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. P.S. Hundal, Senior Advocate with
Mr. Gursahib Singh Hundal, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

Mr. Nikhil Ghai, Advocate and
Mr. Akhil Godara, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

The instant petition under Section 483(3) of BNSS has been filed seeking cancellation of anticipatory bail granted by the Coordinate Bench of this Court to respondent No.2 in case FIR No.280 dated 10.06.2024 under Sections 376(2)(n) and 506 IPC, registered at Police Station, Dabua, District Faridabad vide impugned order dated 08.08.2024 passed in CRM-M-32284-2024.

2. Learned counsel for the petitioner submits that the Coordinate Bench of this Court had granted the concession of anticipatory bail to respondent No.2, in view of the fact that he has joined investigation, after imposing certain conditions. However, respondent No.2 has violated the condition as mentioned in sub-section (ii) of Section 438(2) of Cr.P.C, and



WhatsApp number several times. Respondent No.2 even made calls to the petitioner, as can be evinced from Annexures P-3 and P-4. He, therefore, submits that the anticipatory bail granted to the petitioner deserves to be cancelled.

3. The learned State counsel submits that this Court after due consideration of the facts of the case and the evidence adduced, allowed the petition/application filed before it.

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

5. Perusal of the record reveals that it was only after respondent No.2 had joined and cooperated in the investigation, that his petition for anticipatory bail was allowed on 08.08.2024 with respect to the alleged violation of the conditions for granting bail. It has also come on record that the petitioner had moved a complaint/representation before Police Station Dabua, Faridabad, which was thoroughly inquired into, whereupon the complaint was found to be false. It was also concluded that the dispute between the parties was of a civil nature, thus no action was required to be taken on the complaint/representation. Relevant portion of the status report dated 03.10.2025 wherein the same has been mentioned, reads thus:-

“17. That it is humbly submitted that complaint/representation bearing No. 1004-5P-II dated 10.12.24 registered at Police Station Dabua, Faridabad)/280-5P-II dated 14.12.24 registered at Police Post Sainik Colony, Faridabad (Annexure P-5), made by petitioner was enquired by ASI Vipin Kumar, Police Post Sainik Colony. During the enquiry, the complainant side and respondent side were joined and their statements were recorded, in which, the petitioner stated that Veer Sain (respondent No.2) and his family members came to her house and beat her and tried to break the locks and gate of her house. She called the police by calling DIAL 112. Accused respondent No.2 stated that he knew petitioner 'N' since 2016 and due to this both the parties took a house jointly and gave other things like mobile, scooty etc. after that petitioner 'N' registered a case against him bearing FIR No. 280 dated 10/06/2024, U/s. 376(2)(N),



506 IPC at Police Station Dabua Faridabad, for which challan has been filed in the Hon'ble Court, the case regarding House No. 3012-J-Block, Sainik Colony, Faridabad, is pending in the Civil Court of Hon'ble Ms. Ramnik Kaur, JMIC, Faridabad, he has not beaten up 'N' nor tried to break the locks and gates of the house, the application she has filed against him is false, ASI Vipin Kumar observed complaints and statements, a case pending in the Civil Court, no fight and quarrel has been found, the petitioner was asked to present evidence in relation to the above complaints but no evidence has been presented by her. The petitioner is habitual of making complaints again and again, hence, no cognizable offence was found to have been committed as per allegations made in her complaint/representation (Annexure P-5). During the enquiry, the case has been found to be of a civil nature and no further action was required to be taken on said complaint/representation (Annexure P-5) and therefore, said complaint/representation (Annexure P-5) was filed by the Station House Officer, Police Station Dabua, Faridabad on 25.01.2025. True translated version of report of Station House Officer, Police Station Dabua, District Faridabad dated 25.01.2025 alongwith vernacular thereof is annexed herewith as Annexure R-6. ”

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:

“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 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 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. Learned counsel for the petitioner has not been able to indicate any reasons necessitating cancellation of bail granted to respondent No.2. 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. It has also not been established other than mere uncorroborative averments being made, that there was any violation of the terms and conditions of sub-section (ii) of Section 438(2) of Cr.P.C. The scope of interference by the Courts qua cancellation of bail is rather limited and adjudication upon the alleged facts, does not fall within its purview.

10. 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 08.08.2024, or demonstrate any conduct on the part of respondent No.2 that would warrant interference by this Court.

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

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

(KIRTI SINGH)
JUDGE

February 05, 2026
Ithlesh

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