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

CRM-M-38752-2025

Decided on: 30.03.2026

Kulwinder Gurcharan Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vishal Sharma, Advocate and
Mr. Karanveer Singh, Advocate, for the petitioner.
Mr. Raj Karan Singh, AAG, Punjab.
Mr. Gautam Dutt, Sr. Advocate with
Mr. Yajur Mago, Advocate, for respondent No.2.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for cancellation of regular bail granted to respondent No.2 vide order dated 07.07.2025 passed by learned JMIC, SAS Nagar in a case FIR No.46 dated 19.01.2022, under Sections 406, 420 IPC, at Police Station Sohana, District SAS Nagar.
2. Succinctly facts of the case are that the FIR in the present case was lodged by the petitioner-complainant. Respondent No.2 approached the Court of learned JMIC, SAS Nagar praying for grant of regular bail and after hearing both the sides, learned Court allowed the same vide impugned order dated 07.07.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.
3. It has been submitted by learned counsel for the petitioner that learned JMIC, SAS Nagar has failed to appreciate the facts and circumstances of the case while dealing with the bail petition filed by respondent No.2. He has submitted that respondent No.2 entered into an



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agreement with the petitioner for the sale of the land measuring 10 Bighas 13 Biswas for total consideration of Rs.1,05,00,000/-, however, land was found to be not free from encumbrances. He submits that respondent No.2 not only entered into agreement with the petitioner, but also sold the land in dispute further to two other vendors. He has submitted that no recovery has been effected in the present case till date and identity of the persons to whom respondent No.2 sold the property is yet to be established. He further submits that respondent No.2 is involved in two other cases. He has submitted that respondent No.2 had been granted bail by learned trial Court on the misrepresentation of the facts. It is, thus, submitted that the impugned order has been passed without taking into consideration the gravity of offence involved in the present case and hence, the same deserve to be set aside.

4. However, learned counsel for respondent No.2 has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the dispute is entirely of civil nature and civil suit for specific performance has already been filed, which is pending adjudication in the State of Himachal Pradesh. He submits that since being granted bail, respondent No. 2 has never misused the concession, he has been regularly appearing before the trial Court. He further submits that respondent No.2 is 73 years of age, who never misused the concession of regular bail and thus, the present petition, being devoid of any merit, deserves to be dismissed.

5. Learned State counsel has also opposed the submissions made by learned counsel for the petitioner. He also submits that respondent No.2 never misused the concession of bail granted to him till date and thus, prays



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for dismissal of the present petition.

6. Heard learned counsel for the parties and perused the record. It is a settled proposition of law that cancellation of bail already granted stands on a different footing than consideration of a bail application at the initial stage. Bail once granted ought not to be cancelled in a mechanical manner unless it is shown that the accused has misused the concession of bail, attempted to tamper with evidence, influenced witnesses, or otherwise interfered with the due course of justice. In the present case, there is nothing on record to show that the respondent No.2 has ever misused the concession of bail granted to him rather he is regularly appearing before the trial Court. As submitted before this Court, the dispute is purely of civil nature and the civil suit for specific performance is already pending adjudication between the parties in the State of Himachal Pradesh. Thus, the view taken by learned learned JMIC, SAS Nagar in granting regular bail to respondent No.2 cannot be said to be perverse.

7. In adverting to the distinction, a Bench of two learned Judges of the Hon'ble Supreme Court in **Dolat Ram v. State of Haryana 1995(1) CLJ (Criminal) 26** observed that:

"3. 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."

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8. These principles have been reiterated in the judgment titled as **Dataram Singh v State of Uttar Pradesh 2018 (2) SCALE 285, X v. State of Telangana and Another [(2018) 16 SCC 511]** and recently by Division Bench of the Hon'ble Supreme Court in **Himanshu Sharma v. State of Madhya Pradesh 2024(2) RCR(Criminal) 68** which has held as under:

"12. Law is well settled by a catena of judgments rendered by this Court that the considerations for grant of bail and cancellation thereof are entirely different. Bail granted to an accused can only be cancelled if the Court is satisfied that after being released on bail, (a) the accused has misused the liberty granted to him; (b) flouted the conditions of bail order; (c) that the bail was granted in ignorance of statutory provisions restricting the powers of the Court to grant bail; (d) or that the bail was procured by misrepresentation or fraud. In the present case, none of these situations existed."

9. There is nothing on record to show that respondent No.2 has ever misused the concession of regular bail or has violated the conditions

imposed upon them while granting him regular bail. The parameters regarding granting bail and that of cancellation of bail rest entirely on different footings. This Court does not find any such ground for recalling the regular bail granted to respondent No.2 vide order dated 07.07.2025 passed by learned JMIC, SAS Nagar and thus, finding no merit in the petition, the same is hereby dismissed.

30.03.2026

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No