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

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**CRM-M No.39437 of 2025
Date of Decision: 06.04.2026**

Virender Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Nisha Gaur, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

None for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking cancellation of order dated 21.07.2025 passed by the Court of learned Additional Sessions Judge, Panipat in case arising out of FIR No.0028 dated 14.01.2025 registered under Sections 118(1), 126, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") (Section 109 of BNS added and Section 3(5) of BNS deleted later on) at Police Station Sector 29 Industrial Area, District Panipat, Haryana, whereby, the respondent No.2 accused was extended benefit of regular bail.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Bunty alleging therein

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that on the night of 13.01.2025, on receipt of an information to the effect that the present petitioner Virender @ Mangal who is his cousin brother had sustained injuries at the hands of some persons and was admitted in Park Hospital, he had reached there. The petitioner disclosed to him that the respondent No.2 along with his accomplices had stabbed him with intent to kill him and had extended threats to kill him.

3. After registration of FIR, investigation proceedings were initiated. During the course of investigation, offence under Section 109 of BNS was added as one of the injury sustained by the petitioner was opined to be dangerous to life. The respondent No.2 was arrested on 15.01.2025. He suffered disclosure statement admitting his involvement in the crime and got recovered the weapon of offence. Investigation now stands concluded. The respondent No.2 had moved an application for grant of regular bail which was allowed by the Court of learned Additional Sessions Judge, Panipat by the impugned order dated 21.07.2025.

4. It is argued by learned counsel for the petitioner that the impugned order dated 21.07.2025 is not sustainable in the eyes of law as while passing the same and extending benefit of regular bail to the respondent No.2, the learned trial Court ignored the fact that the petitioner had sustained serious injuries in this case. One of that injury had been opined to be dangerous to life. The respondent No.2 is a habitual offender as one more case had been registered against him. After release of the respondent No.2 on bail, his family has started pressurizing the petitioner to

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withdraw his complaint. The petitioner and his family are living under constant fear and threats are being extended to them. They are also apprehending danger to their life and safety. It is, therefore, argued that the impugned order is liable to be cancelled.

5. Status report has been filed by the respondent No.1-State. Learned State counsel has submitted that the petitioner has alleged that he has received an audio message on his Whatsapp whereby threats have been extended to him. It is submitted that the phone from which such audio message was received, does not belong to the respondent No.2 and it was of outside jurisdiction. It is also submitted that the respondent No.2 is involved in another case registered under Sections 323 and 506 of Indian Penal Code. It is also submitted that the complainant and victim have not been examined so far. Learned State counsel has not raised any serious objection to the factum of granting regular bail to the respondent No.2.

6. The respondent No.2 initially appeared in response to the notice through counsel and sought time to file reply. However, there is no representation on his behalf from last two effective dates of hearing.

7. This Court has considered the rival submissions.

8. At the outset, this Court considers it proper to mention that the well established principles governing the grant of bail are that the Court should consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence and likelihood of fleeing justice. Simultaneously, the principle

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governing the cancellation of bail are that such cancellation requires cogent and overwhelming circumstances and the same can be revoked, if the order granting bail has ignored relevant material available on record. The Apex Court in an authoritative pronouncement cited as **State through Delhi Administration v. Sanjay Gandhi**, AIR 1978 Supreme Court 961, had observed the cancellation of bail necessarily involves review of a decision already made and could by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial. It is also well settled that the cancellation of bail is altogether different from an order of rejection of bail. In **Dolatram v. State of Haryana**, (1995) 1 SCC 349, the Hon'ble Supreme Court had observed that cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail, already granted, some of which 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. It was held that the satisfaction of the Court, on the basis of material placed on the record or possibility of the accused absconding is yet another reason justifying the cancellation of bail. It was further observed that bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances 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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9. Reliance can also be placed upon **Myakala Dharmarajam v. The State of Telangana**, (2020) 2 SCC 743 wherein the Apex Court has made the following observations:-

“It is trite law that cancellation of bail can be done in cases where the order granting bail 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.”

10. In the judgment dated 22.04.2022 passed in Criminal Appeal No.658 of 2022 (arising out of SLP (Crl.) No.27 of 2022) titled as **Imran v. Mr. Mohammed Bhava and another**, the Hon’ble Supreme Court observed that bail can always be revoked if the relevant material on record, gravity of the offence or its societal impact have not been considered by the Lower Court. Where bail is granted in a mechanical manner, the order granting bail is liable to be set aside. Similar proposition of law had been laid down in **Dataram Singh v. State of Uttar Pradesh**, (2018) 3 SCC 22 and **Central Bureau of Investigation, Hyderabad v. Subramani Gopalakrishnan**, (2011) 5 SCC 296.

11. The proposition of law as laid down in the above discussed cases is that the discretion to cancel bail is to be exercised by the Court only if the order qua grant of bail smacks of arbitrariness, capriciousness or perversity or on being satisfied on the basis of record that the accused has

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actually misused such liberty. The respondent No.2 in this case has been booked for commission of offences punishable under Sections 109, 118(1), 126 and 351(3) of BNS, 2023. The respondent No.2 had been arrested on 15.01.2025. He had been extended benefit of bail by the learned trial Court vide order dated 21.07.2025. Meaning thereby that he remained in custody for over a period of six months. Though the petitioner has alleged that the family members of the respondent No.2 have been exerting pressure upon him to withdraw the complaint, however, no specific instance with the date and time etc. has been collected in the petition to show that the respondent No.2 has infact misused concession of bail. The allegations in the petition do not show any act or conduct of the respondent No.2 amounting to evasion or attempt to evade the due course of justice or abuse the concession of bail granted to him.

12. The learned trial Court had passed order for grant of bail keeping in view the nature of accusations, the severity of the punishment and the period of his incarceration. Neither it is pleaded by the petitioner in the petition nor it is made out from the record that there was any reasonable apprehension of tampering with the evidence or extension of threat on the part of the respondent No.2 against the petitioner, if he is allowed to remain on bail. No cogent or overwhelming circumstance required for cancellation of bail is made out from the allegations as levelled by the petitioner. The grounds as taken in the petition seeking cancellation of bail do not enumerate the principles which have to be considered for revocation of such benefit. Having regard to all the above discussed facts and circumstances,

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the nature of the allegations and accusations as levelled against the respondent No.2, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

06.04.2026
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(MANISHA BATRA)
JUDGE

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