

2026.PHHC.004087



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106

CRM-M-48685-2022 (O&M)
Date of Decision: 14.01.2026

Darshan Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vaibhav Sehgal, Advocate and
Ms. Shivya Sehgal, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

Mr. Atul Goyal, Advocate
for respondent No. 2.

MANISHA BATRA, J.(Oral)

1. CRM-39732-2022

Allowed as prayed for, subject to all just exceptions.

Documents are taken on record.

2. CRM-M-48685-2022 (O&M)

The instant petition has been filed under Section 439(2) of Cr.P.C. by the petitioners seeking cancellation of regular bail granted to respondent No. 2- Som Nath Sood in case arising out of FIR No. 49 dated 12.02.2020, registered under Sections 323, 325, 506, 427, 120-B and 34 of IPC (Section 307 of IPC added later on) at Police Station Division No. 2, Police Commissionerate District Ludhiana, vide order dated 29.09.2020, passed by this Court in

CRM-M-28958-2020.

3. The aforementioned FIR was registered on the basis of the statement recorded by petitioner No. 1 alleging that on 09.02.2020, four unknown persons had intercepted him while he was going in a car and by proclaiming that he would not be spared for messing with respondent No. 2 and four other persons, namely Vishal Sood, Parmod Sood, Navjot Sharma and Ajmer Singh, they had opened an assault upon him and made an attempt to kill him by causing injuries. He alleged that he was having litigation with respondent No.2 and he, in connivance with the other assailants, had managed an attack upon him. After registration of the FIR, investigation proceedings were initiated. Respondent No. 2 was arrested on 30.08.2020. As he could not procure benefit of bail from the learned trial Court, he filed the aforementioned petition before this Court, which was allowed, vide order dated 29.09.2020.

4. It is argued by learned counsel for the petitioners that the benefit of bail granted to respondent No. 2 is liable to be cancelled as he has misused the same by filing a false complaint against petitioner No. 2 after his release on bail. Not only this, he also extended threats to petitioner No. 2 and hurled abuses to him on 10.04.2022 for being a witness in the FIR, which has been lodged by petitioner No. 1 against him (respondent No.2). It is submitted that since respondent No. 2 has misused the concession of bail by extending threats to petitioner No.2, who is a witness to petitioner No. 1, therefore, the present petition deserves to be allowed and the benefit of bail granted to respondent No. 2 is liable to be cancelled.

5. Reply has been filed by respondent No.1-State, as per which, respondent No.2 had filed an application against petitioner No. 2 and one

Baljinder Singh alleging that on 10.04.2022, they had an altercation with him. An inquiry was conducted. CCTV footage of the incident had been procured, which revealed that respondent No. 2 had a quarrel with the above named Baljinder Singh. Petitioner No. 2 had also come there and due to having grudge against him, respondent No. 2 had a scuffle with petitioner No. 2 and used some derogatory language against him but thereafter, the persons of vicinity had intervened.

6. Respondent No. 2 has filed a separate reply submitting that he has not misused the concession of bail in any manner. In fact, it was respondent No. 2, who had come outside his shop on 10.04.2022 and had abused him. Neither any of the terms and condition of bail has been violated by him nor any complaint was ever got registered against him by either of the petitioners. Rather, it was he who had reported the matter to the police. It is, therefore, stressed that the petition is liable to be dismissed.

7. This Court has heard the rival submissions.

8. 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.

9. In view of the proposition of law as laid down in the above discussed authorities, it is clear that the discretion under Section 439(2) Cr.P.C. is to be exercised only if it is proved that bail has been granted to an accused of a heinous crime in a manner, which smacks of arbitrariness, capriciousness or perversity and on being satisfied on the basis of material placed on record that the accused has actually misused such liberty.

10. On applying the aforesaid settled principles of law to the facts of the present case, this Court does not find any ground warranting exercise of jurisdiction under Section 439(2) Cr.P.C. for cancellation of bail granted to respondent No. 2. The order dated 29.09.2020 granting regular bail to respondent No. 2 does not suffer from any illegality, perversity or arbitrariness, nor has it been demonstrated that the said order resulted in miscarriage of justice. The principal ground urged by the petitioners is that respondent No. 2 has misused the concession of bail by extending threats to petitioner No. 2 and by engaging in an altercation on 10.04.2022. However, from the material placed on record, including the reply filed by the State, it transpires that the incident dated 10.04.2022 was subjected to an inquiry and CCTV footage was examined. The inquiry *prima facie* indicates a

quarrel and scuffle between respondent No. 2, petitioner No. 2 and one Baljinder Sing, which was promptly intervened by persons present in the vicinity. No material has been placed before this Court to establish that respondent No. 2 attempted to influence the investigation, tampered with evidence or intimidated witnesses in a manner so grave as to justify cancellation of bail.

11. Even if it is assumed, for the sake of argument, that respondent No. 2 had a scuffle with petitioner No. 2 and had used derogatory language against him, the same would, at best, be a matter of evidence, which can be tested in accordance with law. No conclusive inference of misuse of bail or abuse of the liberty granted by this Court can be drawn merely on the basis of such allegations, particularly in the absence of any subsequent criminal case registered against respondent No. 2 or any finding of violation of the terms and conditions of bail. It is well settled that cancellation of bail is not to be ordered as a matter of course. The liberty granted to an accused can be withdrawn only upon cogent and overwhelming circumstances indicating that the accused has misused such liberty or that the continuation of bail would be detrimental to a fair trial. The present case does not disclose any such exceptional or compelling circumstances.

12. In view of the discussion as made above, this Court is of the considered opinion that the petitioners have failed to make out a case for cancellation of bail granted to respondent No. 2. Accordingly, finding no ground to allow the petition, the same is dismissed.

14.01.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No