

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

2026:PHHC:002560



(201)

CRM-M-46617-2024(O&M)

Date of Decision: 13.01.2026

Jagdish Prasad Sharma

--Petitioner

Versus

State of Haryana & Anr.

--Respondents

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present:- Mr. Baljeet Beniwal, Advocate for the petitioner.

Ms. Chhavi Sharma, AAG, Haryana.

Mr. Jai Bhagwan Sharma, Advocate for
respondent no.2.

VINOD S. BHARDWAJ.J (Oral)

The instant petition has been filed under Section 528 of BNSS, 2023 for quashing the impugned order dated 12.09.2024 (Annexure P-6) passed by learned Additional Sessions Judge, Faridabad in case bearing FIR No.631 dated 01.10.2016 registered under Sections 323, 406, 420, 467, 468, 471, 506 IPC at Police Station, Sarai Khawaja, Faridabad vide which the bail granted to the petitioner was cancelled.

2. Learned counsel for the petitioner contends that the aforesaid FIR was registered on the complaint of Kamal Singh. The petitioner applied for anticipatory bail before the learned Addl. Sessions Judge, Faridabad which was granted vide order dated 08.05.2017. After completion of the investigation, final report was submitted against the petitioner on 05.08.2017. The petitioner, accordingly, surrendered before the Court and was released on regular bail vide order dated 05.08.2017. It is

contended that petitioner has been regularly appearing before the Trial

Court, however, the petitioner travelled abroad i.e. Australia and U.A.E. (Dubai) to meet his son for a period of 10 days. An application for cancellation of bail was accordingly filed by respondent no.2-Kamal Singh. The said application was allowed vide order dated 12.09.2024 and the bail granted to the petitioner was cancelled on the ground that the petitioner travelled abroad without obtaining permission from the Court.

3. Learned counsel for the petitioner contends that absence of the petitioner was only for a limited period and not to abscond from any proceedings. He submits that since the year 2017 till 2024, the petitioner has been regularly appearing in the proceedings on all the dates except for 3/4 dates when exemption had been asked for. Hence, there is no intent of the petitioner to evade or delay the proceedings before the Court. The conduct of the petitioner, thus, should be construed in his favour. He further contends that as a matter of fact restriction on travelling abroad was a part of the condition in the anticipatory bail which was granted on 08.05.2017, however, eventually no such condition was incorporated in the order granting regular bail to the petitioner. The said fact has not been taken into consideration and that the petitioner travelled abroad under the said belief.

4. Learned State counsel as well as counsel for respondent no.2, however, contend that the petitioner has violated the terms and conditions of the order granting bail and has travelled abroad without availing permission from the Court. They, however, do not dispute that the petitioner has been appearing regularly on all dates before the Court.

5. Having heard learned counsel for the parties and taking into consideration the overall conduct of the petitioner including the fact that he

has been appearing regularly before the Court for last more than eight years and has not delayed the proceedings by any overt act, I am of the opinion that the impugned order dated 12.09.2024 cancelling bail of the petitioner, deserves interference, at this stage. The breach committed by the petitioner deserves to be dealt with leniently, given the circumstances of the present case.

6. Accordingly, the present petition is allowed and order dated 12.09.2024 (Annexure P-6) cancelling the bail of the petitioner is set aside subject to the petitioner depositing cost of Rs.10,000/- with the 'Nishkam Sewa High Court Lawyers Society, Account No.43373609961 SBI, High Court Branch, Chandigarh IFSC Code: SBIN0050306', within a period of 15 days from today.

7. Petition is allowed in the aforesaid terms.

8. All the misc. application(s), if any, shall also stand disposed of.

13.01.2026
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No