



201(2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-44922-2025 (O&M)

Sukhwinder KaurPetitioner

versus

State of Punjab and others Respondents

2. CRM-M-46138-2025 (O&M)

Sukhwinder KaurPetitioner

versus

State of Punjab and anotherRespondents

Date of decision: 25.03.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. K.D. Sachdeva, DAG, Punjab.

Mr. Vikram Singh, Advocate
for the private respondents.

RAJESH BHARDWAJ, J.

1. By way of this common order, this Court intend to decide of
abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioner/complainant have approached this Court praying
for cancellation of anticipatory bail granted to respondents, namely,
Darshan Singh, Jaswant Singh and Gurmail Singh vide orders dated
29.05.2025 passed in CRM-M-7714-2025 and CRM-M-5571-2025,
respectively, by this Court in case FIR No.0125 dated 21.12.2024, under
Sections 303(2), 329(3), 62, 351(2), 192 of the Bhartiya Nayaya Sanhita,

2023, registered at Police Station Kabarwala, District Sri Muktsar Sahib.



3. Succinctly, facts of the case are that the FIR in the present case has been lodged on the statement of petitioner/complainant, Sukhwinder Kaur. It was alleged that she and her sons are the owners in possession of one agricultural land. It was alleged that on 21.10.2024 at about 09:00 AM, when she and her elder son visited the fields, they found persons namely, Darshan Singh (respondent No.2 in CRM-M-44922-2025), Gurmail Singh (respondent No.2 in 46138-2025) and Jaswant Singh (respondent No.3 in CRM-M-44922-2025) along with 10-15 unknown persons present there, armed with pistols and rifles, harvesting and destroying their standing paddy crop using combines and tractor trolleys. Upon seeing the complainant, the above-named persons threatened to kill them and forcing them to leave the place. Hence, request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. Apprehending arrest, private respondents approached this Court by way of filing CRM-M-7714-2025 and CRM-M-5571-2025, respectively praying for grant of anticipatory bail. However, after hearing counsel for both the sides, the same were allowed vide orders dated 29.05.2025. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

4. It has been vehemently contended by counsel for the petitioner that the private respondents were specifically named in the FIR. It has been submitted that after taking anticipatory bail from this Court, the private respondents on the gun point, have illegally and forcibly harvested the paddy crop of the petitioner from her fields. It has been submitted that the petitioner is an aged and senior citizen, who is being harassed by the private respondents with intention to usurp her land,



which was allotted to her in the partition proceedings dated 21.10.2024. It has also been submitted that police officials are the relatives of accused Darshan Singh and thus, not taking any action against him. It is thus, submitted that the anticipatory bail granted to private respondents vide impugned orders dated 29.05.2025 deserve to be cancelled.

5. Learned counsel for private respondents has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the private respondents have never harvested the crop of the petitioner and the allegations levelled against them are false and frivolous only in order to get the bail cancelled. He has submitted that the partition proceedings are pending before this Court and until the same is finalized, each and every co-sharer shall be deemed to be an owner in possession of joint land. He has further submitted that there is nothing on record to show that after having been granted anticipatory bail, private respondents have misused the concession of anticipatory bail granted to them.

6. Status report by way of affidavit of Mr. Manmeet Singh Dhillon, PPS, Superintendent of Police, Investigation, Sri Muktsar Sahib, filed by learned State counsel in CRM-M-44922-2025, is taken on record.

7. However, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He submits that it has been verified that since being granted anticipatory bail, respondents/accused have not misused the concession, they have been regularly appearing before the trial court and have not influenced any prosecution witness in the present case and there is no threat perception to the petitioner/complainant from private respondents. He further submits



that respondents/accused have never misused the concession of anticipatory bail and thus, the present petition, being devoid of any merit, deserves to be dismissed.

8. This Court has heard counsel for the parties and perused the record. It is deciphered that private respondents are alleged to be the accused in the present case. As submitted by learned State counsel, there is no threat perception to the petitioner/complainant from private respondents. On perusal of the record, it has been found that the partition of the disputed property had been done *ex parte qua* Darshan Singh and the same is under challenge before this Court in Civil Writ Petition No.12193-2024 for 25.05.2026.

9. 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 SCC(1) 349** observed that:

"4. 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."

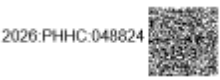
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10. These principles have been reiterated in the judgment titled as *Dataram Singh v State of Uttar Pradesh 2018 (2) SCALE 285, X v. State of Telangana and Another [(2018) 16 SCC 511]* and recently by Division Bench of the Hon'ble Supreme Court in *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."

11. There is nothing on record to show that private respondents have ever misused the concession of anticipatory bail or have violated the conditions imposed upon them while granting them anticipatory 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 anticipatory bail granted to private respondents by this Court vide order dated 29.05.2025 and thus, finding no merit in the petitions, the same are hereby dismissed.

25.03.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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