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

**CRM-M No.50575 of 2025
Date of decision: 23.02.2026**

Anil Kumar

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sushil Jain, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Mr. Surender Singh, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J.

1. Prayer in the present petition is for cancellation of anticipatory bail granted to respondent No.2 in case bearing FIR No.109, dated 30.08.2024, under Sections 109(1), 126, 351(2), 3(5), 61 of BNS and Sections 25, 54 & 59 of Arms Act, 1957, registered at Police Station Moohana, District Sonipat vide order dated 09.05.2025 passed by the learned Additional Sessions Judge, Sonapat. Further prayer has been made for setting aside the impugned order dated 02.06.2025 passed by the learned Additional Sessions Judge, Sonapat whereby the application dated 19.05.2025 filed by the police officials for cancellation of bail of respondent No.2 was dismissed.

2. Learned counsel for the petitioner has submitted that the petitioner before this Court is the complainant at whose behest the



abovesaid FIR was registered against respondent No.2. He has submitted that respondent No.2 was specifically named in the FIR and there are allegations against him that the complainant was attacked at the behest of respondent No.2 and suffered firm arm injuries. However, the learned Additional Sessions Judge, Sonipat vide order dated 09.05.2025 had allowed the anticipatory bail application of respondent No.2, which is totally against the evidence on record. He has submitted that the State has also filed an application for cancellation of bail granted to respondent No.2, however the same was also dismissed by the learned Additional Sessions Judge, Sonipat vide order dated 02.06.2025. He has further submitted that respondent No.2 is a police official, who is in a position to influence the investigation. He has submitted that keeping in view the nature of allegations and the gravity of the offence committed, the impugned order granting anticipatory bail to respondent No.2 deserves to be *set aside*.

3. Learned counsel for the State has submitted that the case is still under investigation and respondent No.2 is required for the investigation, however he has been granted the concession of anticipatory bail by the learned Additional Sessions Judge, Sonipat vide order dated 09.05.2025 and the application filed by the State for cancellation of his bail was also dismissed vide order dated 02.06.2025. He has submitted that the State has also filed an application for conducting the polygraph test of respondent No.2 before the learned trial Court, which was dismissed vide order dated 29.04.2025 with the observation that respondent No.2 do not want to undergo the said polygraphy test. Thereafter, call details record of respondent No.2 were obtained which revealed that respondent No.2 was



present in Court complex on 23.08.2024 from 9:50 A.M. to 11:13 A.M, however, he had stated false fact while joining investigation that he had not visited Sonipat. He thus, prays for cancellation of anticipatory bail granted to respondent No.2 by the learned Additional Sessions Judge, Sonipat.

4. This Court has heard counsel for the parties and perused the record.

5. On hearing learned counsel for the parties and perused the record, it is deciphered that respondent No.2 was granted the concession of anticipatory bail by the learned Additional Sessions Judge, Sonipat vide order dated 09.05.2025 and in furtherance of the same, he duly joined the investigation. Perusal of the record would show that there was enmity between the parties on account of election of Sarpanch in the village, which was later on led to commission of murder of brother of respondent No.2 by Sonu and Anil and in the said incident, friend of his brother, Narender, namely, Davinder also suffered bullet injuries and he was the complainant in the said FIR. On subsequent queries by the Investigating Agencies, respondent No.2 admitted the fact that he had visited Sonipat Courts in connection with the murder case of his brother. There was no evidence against the petitioner when his bail application was opposed before the learned Additional Sessions Judge, Sonipat, which is evident from the reply filed by the State.

6. 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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7. 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."



8. There is nothing on record to show that respondent No.2 has ever misused the concession of anticipatory bail or has violated the conditions imposed upon him while granting him anticipatory bail by the learned Additional Sessions Judge, Sonipat vide order dated 09.05.2025. The parameters regarding granting bail and that of cancellation of bail rest entirely on different footings.

9. This Court does not find any such ground for recalling the anticipatory bail granted to respondent No.2 by the learned Additional Sessions Judge, Sonipat and thus, finding no merit in the present petition, the same is hereby dismissed.

23.02.2026

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

(RAJESH BHARDWAJ)
JUDGE