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

CRM-M-51642-2025

Decided on: 24.03.2026

Harjinder Singh

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raman Kumar, Advocate for
Mr.Rajiv K. Kapila, Advocate, for the petitioner.
Ms. Ramta Chowdhary, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for cancellation of regular bail granted to respondent No.2 vide order dated 21.08.2025 passed by learned Additional Sessions Judge, Hoshiarpur in a case FIR No.88 dated 20.05.2025, under Sections 110, 115(2), 117(2), 351(2), 191(3), 190 of BNS, 2023, at Police Station Dasuya, District Hoshiarpur.

2. Succinctly facts of the case are that the FIR in the present case was lodged by the petitioner-complainant. Respondent No.2 approached the Court of learned Additional Sessions Judge, Hoshiarpur praying for grant of regular bail and after hearing both the sides, learned Court allowed the same vide impugned order dated 21.08.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been submitted by learned counsel for the petitioner that learned Additional Sessions Judge, Hoshiarpur has failed to appreciate the facts and circumstances of the case while dealing with the bail petition filed by respondent No.2. He has submitted that bare perusal of the FIR would



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show that respondent No.2 was the main accused, who alongwith six other assailats brutally attacked the petitioner-complainant. He has submitted that the petitioner-complainant suffered in all 13 injuries, out of which injuries No.5, 8 and 10 are grievous in nature. He submits that respondent No.2 brought the assailants with intention to kill the petitioner and they all caused injuries on the vital parts of the petitioner. He further submits that though offence under Section 307 IPC is made out against the petitioner, however, the police failed to appreciate the same. It is, thus, submitted that the impugned order has been passed without taking into consideration the gravity of offence involved in the present case and hence, the same deserve to be set aside.

4. However, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She submits that it has been verified that since being granted bail, respondent No. 2 has not misused the concession, he has been regularly appearing before the trial court and has not influenced any prosecution witness in the present case. She further submits that respondent No.2 has never misused the concession of regular bail and thus, the present petition, being devoid of any merit, deserves to be dismissed.

5. Heard learned counsel for the parties and perused the record. It is a settled proposition of law that cancellation of bail already granted stands on a different footing than consideration of a bail application at the initial stage. Bail once granted ought not to be cancelled in a mechanical manner unless it is shown that the accused has misused the concession of bail, attempted to tamper with evidence, influenced witnesses, or otherwise



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interfered with the due course of justice. In the present case, it has been verified that since the grant of bail, respondent No. 2 has been regularly appearing before the trial Court and has neither misused the concession of bail nor influenced any prosecution witness. Thus, the view taken by learned learned Additional Sessions Judge, Hoshiarpur in granting regular bail to respondent No.2 cannot be said to be perverse.

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 regular bail or has violated the conditions imposed upon them while granting him regular 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 regular bail granted to respondent No.2 by learned Additional Sessions Judge, Hoshiarpur and thus, finding no merit in the petition, the same is hereby dismissed.

24.03.2026
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No