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

**CRM-M No.56591 of 2025  
Date of Decision: 09.03.2026**

**Rajesh Joshi**

**..... Petitioner**

**Versus**

**State of Punjab and another**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**\*\*\***

Present: Mr. Jasmeet Singh Ghuman, Advocate  
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

Mr. Ankur Bansal, Advocate  
for respondent No.2.

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**RAJESH BHARDWAJ, J. (ORAL)**

1. Present petition has been filed praying for cancellation of the anticipatory bail granted to respondent No.2 in case bearing FIR No.95, dated 20.05.2016, under Section 420 IPC and Section 36(1) Punjab Apartment & property Regulation Act, 1995, registered at Police Station Nakodar, District Jalandhar Rural.

2. Learned counsel for the petitioner has submitted that respondent No.2 was granted the concession of anticipatory bail by this Court vide order dated 01.11.2017 passed in CRM-M-24356-2017 in the aforementioned FIR. He has submitted that after having been granted bail by this Court vide order dated 01.11.2017, respondent No.2 had left



the Country without prior permission of the Court, which is violative of the conditions of Section 482 BNSS. He has submitted that respondent No.2 has misused the concession of anticipatory bail granted to her by this Court and, thus, the same deserves to be dismissed.

3. Perusal of the record would show that respondent No.2 was granted the concession of interim anticipatory bail by this Court vide order dated 18.07.2017 and in pursuance of the same, she joined the investigation and thus, her anticipatory bail was made absolute vide order dated 01.11.2017.

4. Learned counsel for respondent No.2 has filed the reply in the shape of affidavit on behalf of respondent No.2 today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner. He, on the other hand, has opposed the submissions made by learned counsel for the petitioner. He has submitted that the daughter of respondent No.2, namely, Amisha Arora, who is residing in Australia, was suffering from *postpartum depression* and was facing health problems in her final trimester of the pregnancy. He has further submitted that her daughter's husband was not with her at that time. He has submitted that due to unavoidable circumstances concerning serious health condition of her daughter, respondent No.2 went abroad to take care of her daughter. He has submitted that respondent No.2 along with her daughter and grand daughter came back to India on 29.11.2023. He has further submitted that respondent No.2 has already filed the petition bearing CRM-M-45378-2022 before this



Court seeking quashing of FIR along with all subsequent proceedings arising therefrom and this Court vide order dated 10.10.2022 had stayed the proceedings qua the petitioner. He has submitted that respondent No.2 tenders apology for the same and undertakes to abide by the terms and conditions of the anticipatory bail granted to her by this Court vide order dated 01.11.2017.

5. Learned counsel for the State, however, has submitted that as per the passport stamp of respondent No.2, she departed from India on 19.09.2023 and came back to India on 29.11.2023. He has submitted that statement of respondent No.2 was also recorded, in which, she has stated that her daughter, namely, Amisha Arora, who is residing in Australia, was pregnant in the month of September, 2023 and thus, respondent No.2 had gone to take care of her. She has further stated that she had left India on 19.09.2023 and came back to India on 29.11.2023. He has further submitted that in the quashing petition bearing CRM-M-52796-2022 filed by respondent No.2 praying for quashing of FIR, further proceedings before the learned trial Court was stayed vide order dated 10.10.2022.

6. This Court has heard learned counsel for the parties and perused the record with their able assistance.

7. 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 this Court vide order dated 01.11.2017 and in furtherance of the same, she duly joined the investigation. Perusal of the



record would show that the petitioner and her husband gained the confidence of the complainant and asked him to purchase some property in partnership with them and as such, the complainant purchased 4 kanals, 15 marlas of land bearing Khewat No.544-545, Khatoni number 593/595s, Khasra No.57//11/2(2-6) situated in the revenue estate of village Shankar, Tehsil Nakodar, District Jalandhar. The abovesaid property was purchased in partnership and all have 1/3 share in the same and respondent No.2 along with her husband had sold the part of the property without the consent of the complainant. Respondent No.2 was granted the concession of interim bail by this Court vide order dated 18.07.2017 and the same was made absolute after joining the investigation vide order dated 01.11.2017. Respondent No.2 had left the Country to take care of her daughter, who is residing in Australia and suffering from postpartum depression and facing serious health problems, however, she came back to India on 29.11.2023.

8. 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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9. 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."*

10. It is clear from the facts and circumstances that respondent No.2 had left the Country to take care of her daughter, who is residing in Australia and suffering from postpartum depression and facing serious health problems, however, she came back to India on 29.11.2023 and has also tendered unconditional apology. The parameters regarding granting bail and that of cancellation of bail rest entirely on different footings. In view of the abovesaid facts and circumstances, this Court does not find any such ground for recalling the anticipatory bail granted to respondent No.2 by this Court and thus, finding no merit in the present petition, the same is hereby dismissed.

09.03.2026

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Whether speaking/reasoned

Whether reportable

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Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE