



CRM-M-58250-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101-2

CRM-M-58250-2025

Avtar Singh

....Petitioner

V/s

State of Punjab and another

....Respondents

Date of decision: 23.01.2026**Date of Uploading : 23.01.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Naveen Kumar, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Onkar Singh Batalvi, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483(3) of the BNSS, 2023 read with Section 528 of BNSS, 2023 seeking setting-aside of anticipatory bail granted to respondent No.2 vide order dated 06.06.2025 (Annexure P-4) passed by Sessions Judge, SBS Nagar in FIR No.59 dated 19.03.2025 registered for offences punishable under Section 108 of BNS at Police Station City Nawanshahr.

2. The relevant portion of the order passed by Sessions Judge, Mohali, reads as under:

“In view of the statement of HC Ravi Kumar, interim order dated 29.05.2025 is hereby made absolute. Applicant-accused, namely, Paramjit Kaur shall abide by conditions incorporated in Section 482(2) BNSS. The bail application stands disposed of. Papers be consigned to the Record Room.”

3. Learned counsel for the petitioner has iterated that the Court

below has failed to appreciate the seriousness and gravity of the allegations



while passing the impugned order. Learned counsel has further iterated that the Court below has gravely erred in granting anticipatory bail to respondent No.2 without adverting to the suicide note, which according to the petitioner, constitutes a dying declaration of the deceased. Learned counsel has further submitted that the suicide note specifically attributes acts of harassment, illegal demands and mental cruelty to respondent No.2 and her family members. According to learned counsel, the investigating agency has acted in a biased manner by deliberately withholding the suicide note from forensic examination which weakened the prosecution case and extending undue benefit to the accused-respondent No.2. Furthermore, such conduct itself demonstrates that the accused-respondent No.2 has influenced the investigation and therefore does not deserve the concession of anticipatory bail. Learned counsel has pointed out that respondent No.2, who is the mother-in-law of the deceased, is a citizen of USA poses a serious flight risk and her liberty is likely to prejudice the investigation as well as the trial which facts have completely been ignored by the Court below while granting the concession of anticipatory bail to the respondent No.2. Learned counsel has emphasized that the abetment of suicide is a heinous offence involving loss of human life and requires a strict approach. It has been further argued that the impugned order has been passed in a mechanical manner without application of mind. Thus, keeping in view the gravity of offence, cancellation of the anticipatory bail granted to respondent No.2 is entreated for.

4. Learned State counsel has filed short reply dated 12.01.2026 by way of an affidavit of Raj Kumar, PPS, Deputy Superintendent of Police,



Sub Division Nawanshahr, District SBS Nagar and has raised submissions in tandem with the said status report; relevant whereof reads as under:

“9. That it is further submitted that during the course of investigation of this case, on 04.06.2025, the respondent No.2- Paramjit Kaur joined the investigation of this case in compliance of the order dated 29.05.2025, passed by the learned Sessions Judge, Shaheed Bhagat Singh Nagar, in bail application No. BA/651/2025, she was formally arrested in this case and released on bail in compliance of the said order dated 29.05.2025. During her interrogation, she produced photocopies of some documents, which were taken into police possession vide separate memo. The said order dated 29.05.2025 was subsequently, confirmed by the learned Sessions Judge, SBS Nagar vide its order dated 06.06.2025.

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11. That it is further submitted that on 17.07.2025, one parcel containing suicide note, parcel containing one register, where something relates to 'Gurbani' has been written on its 2 pages, one boarding pass containing word 'WAHEGURU' four times, were sent to the office of Director, Forensic Science Laboratory, Mohali (SAS Nagar) for getting it examined and report of the same is yet to be received.

12. That it is further submitted that the petitioner has specifically named the respondent No.2 and her co-accused Harjinder Kaur in his statement got recorded on 19.03.2025, wherein the petitioner averred that his son- Jaskaran Singh (now deceased) disclosed him that he was being harassed by the respondent No.2-Paramjit Kaur and Harjinder Kaur as they had demanded \$ 2,00,000 from Jaskaran Singh. The petitioner further averred that due to this, his son- Jaskaran Singh became depressed and disturbed and committed suicide.

13. That it is further submitted that the investigation of the present case is being carried out according to law and the witnesses acquainted with the facts and circumstances of the case are being examined and their statements are being recorded by the investigating officer.”

5. Learned counsel appearing for respondent No.2 has iterated that the present petition is misconceived as the petitioner has failed to make out any grounds that would warrant cancellation of anticipatory bail already granted by the Court below. Furthermore, the order granting anticipatory

bail is a well reasoned and speaking order which has been passed after



CRM-M-58250-2025

4

considering the material placed before the Court. According to learned counsel, the respondent No.2 has cooperated fully with the investigation and no supervening circumstances or misuse of liberty have been shown by the petitioner. On the strength of these submissions, the dismissal of the instant petition is prayed for.

6. I have heard learned counsel for the rival parties and have perused the record.

7. It would be apposite to refer herein to a judgment of this Court passed in **CRM-M-9029-2023**, titled as ***Dinesh Madan vs. State of Haryana and another***, decided on 17.05.2024; relevant whereof reads as under:-

“17. As an epilogue to above discussion, the following principles emerge:

I. (i) There is a conceptual distinction, between cancellation of bail” & “setting-aside of a bail order”. In a plea seeking cancellation of bail”; the factors required to be considered are akin to supervening circumstances/events or mis-conduct of accused whereas in a plea seeking “setting-aside of a bail order”; the factors required to be considered are akin to the order in question being unjustified or illegal or not based on relevant consideration(s). In other words, a plea seeking “setting aside of a bail order” is more in the nature of laying challenge to an order granting bail before a superior Court upon merits thereof.

(ii) It would be pragmatic as also desirable, for the cause of ease and clarity, that a plea filed under Section 439 of Cr.P.C., 1973 clearly states as to whether the plea is for “cancellation of bail” or for “setting aside of a bail order.” or on both accounts.

II. Plea seeking cancellation of Regular Bail.

(i) A High Court has power to cancel regular bail granted by itself or by a Sessions Court or by a Magistrate’s Court.

(ii) A Sessions Court has a power to cancel regular bail granted by High Court or by itself or by a Magistrate’s Court. However, the Sessions Court can cancel regular bail granted by High Court only where the accused has violated any condition(s) imposed by the High Court (while granting



bail) or on account of such accused having misused liberty granted to him by trying to influence witness(s) or having tried to delay trial by absenting himself or having committed another offence(s) while on bail and other factors of akin nature. In other words, a Sessions Court can cancel bail granted to an accused by High Court only on account of such like supervening/subsequent events but cannot adjudicate upon veracity of the High Court order (whereby bail was granted to such accused.)

(iii) A Magistrate does have the power to cancel a regular bail granted by him in terms of Section 437(5) of Cr.P.C. 1973. However, a Magistrate does not have the power to cancel regular bail granted by the High Court or Sessions Court except in a situation wherein the accused has violated any condition(s) imposed upon him when granted such bail by the High Court or the Sessions Court.

(iv) In case cancellation of a regular bail granted by the Sessions Court is sought for; such plea ought to be ordinarily filed before the Sessions Court itself. However, since there is concurrent jurisdiction of the High Court as also Sessions Court in terms of Section 439(2) of Cr.P.C. 1973, the filing of such a plea straight away before the High Court is not ipso facto barred. At the same time, it would be expedient that such a plea (filed straight away before the High Court) must show cogent reason(s) for not approaching the Sessions Court in the first instance.

(v) The factors for consideration in a plea for cancellation of a regular bail are whether the accused has misused liberty granted to him by trying to influence witness(s) or has tried to delay trial or has committed another offence(s) while on bail, whether the accused has flouted the cancellation of bail, whether bail was procured by misrepresentation or fraud or concealing relevant material and similar factors of akin nature. There is no gainsaying that above factors are only illustrative in nature as it is not axiomatic to exhaustively enumerate them.

(vi) Where such plea raises ground(s) that bail has been granted on account of misrepresentation of facts or a fraud having been played on Court which has granted bail or concealment of material/relevant facts; it would be expedient that such plea be filed, in the first instance itself, before the Court which had granted bail in question.

(vii) The degree and nature of proof required to be shown by an applicant (seeking cancellation of regular bail) is that of preponderance of probabilities and not one of being beyond reasonable doubt.

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xxxx	xxxx	xxxx	xxxx



VI. Where a plea made under Section 439(2) of Cr.P.C. 1973 raises grounds regarding “cancellation of bail” as also for “setting aside of bail order”, such plea has to be essentially made before the superior Court.”

8. The averments made in the petition as also the arguments raised by learned counsel for the petitioner, indubitably, show that petition has been filed for cancellation of the anticipatory bail order granted to the respondent No.2 vide order dated 06.06.2025 (Annexure P-4) passed by Sessions Judge, SBS Nagar. In the present case, the petitioner has not brought on record any material to demonstrate that after the grant of anticipatory bail, respondent No.2 has attempted to influence witnesses, tamper with evidence, evade investigation or violate any condition imposed by the Court. The apprehensions expressed by the petitioner are largely speculative and not supported by any cogent material. The argument that the Court below has failed to consider the suicide note does not, by itself, justify the cancellation of anticipatory bail. The evidentiary value of the suicide note, its genuineness and its legal effect are matters to be examined during investigation and trial. At the stage of consideration of anticipatory bail, the Court is not required to conclusively determine culpability or conduct a detailed examination of evidence. The contention that the suicide note ought to have been treated as a dying declaration also cannot be accepted at this stage as the same was voluntarily authored by the deceased are matters that require proof. As regards the allegation of collusion between the investigating agency and the accused, this Court finds that such allegations are bald and unsupported by any specific material. If the petitioner is aggrieved by the manner of investigation, appropriate remedies are available under law; however, such grievances cannot automatically result in



cancellation of bail already granted. The plea of flight risk on the ground that respondent No.2 is a USA citizen is also not sufficient in the absence of any material indicating an attempt to flee from justice. It is worthwhile to note herein that respondent No.2 has joined investigation pursuant to the bail order and that the prosecution has not sought cancellation of bail on this ground. It is conceded position before this Court that the FIR was registered on 19.03.2025 and the investigating agency has not reported any non-cooperation or attempt by respondent No.2 to interfere with the investigation. It is trite law that the consideration(s) for grant of bail and for cancellation of bail are distinct. Cancellation of bail already granted requires demonstration of supervening circumstances such as misuse of liberty, tampering with evidence, intimidation of witnesses or deliberate evasion of the judicial process. Mere dissatisfaction with the reasoning of the Court below which has granted the bail or the seriousness of the offence, by itself, is not sufficient to recall such an order. Learned counsel has laid much emphasis that the allegations against the respondent No.2 are serious, which according to the petitioner, ought not to have been considered by the Court below at the time of grant of anticipatory bail. In the considered opinion of this Court, the petitioner has not brought any fresh or supervening material before this Court. A mere allegation of seriousness of offence or suspicion of absconding without concrete material cannot justify the cancellation of bail. Moreover, such a plea cannot, by itself, render the order granting the bail perverse. The order passed by the Sessions Court is a well-reasoned speaking order and cannot be said to be suffering from vice of non-application of judicial mind. This Court, keeping in view the entirety of the



CRM-M-58250-2025

8

ground to hold that the Sessions Court, while passing the impugned order, has overstepped its jurisdiction or has not exercised the same in right perspective. Therefore, the petition(s) in hand deserves rejection.

9. Keeping in view the entirety of the facts and circumstances of the case in hand, no ground is made out to set-aside the anticipatory bail earlier granted to respondent No.2 vide the impugned order. Therefore, the petition in hand deserves rejection.

10. As a sequel to the above discussion, the present petition filed under Section 483(3) of the BNSS, 2023, seeking setting-aside of anticipatory bail order dated 06.06.2025 (Annexure P-4) passed by learned Sessions Judge, SBS Nagar is dismissed.

11. It, indubitably, goes without saying that nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

January 23, 2026

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No