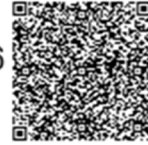


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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

204

CRM-M-65530-2025 (O&M)
Date of decision: 18.04.2026

Kulwant Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Malkiat Hundal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

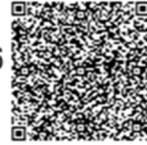
Mr. H. P. S. Rahi, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner/complainant under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking cancellation of regular bail granted to respondent No. 2, namely Buta Singh, in case arising out of FIR No. 43 dated 25.10.2024, registered under Sections 103 and 3(5) of BNS, 2023 at Police Station Kacha Pakka, District Tarn Taran, vide order dated 04.08.2025, passed by the Co-ordinate Bench of this Court in **CRM-M-24750-2025**.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the

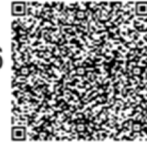
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statement of the petitioner/complainant alleging therein that she used to place cow dung cakes on the shamlat land of the village along with her family. The accused persons, namely Buta Singh (respondent No.2), his wife Harman Kaur and Aman Kaur had been objecting to the same for a long time. On 25.10.2024 at about 02:00 PM, when the petitioner/complainant went to place cow dung cakes on the said land, the accused persons, who were already present there, again restrained her, leading to an altercation. The matter escalated into a scuffle, during which the accused persons allegedly assaulted the complainant. Upon hearing the commotion, her husband Charan Singh reached the spot to intervene, but the accused persons started assaulting him as well. He was knocked down and, while lying on the ground, was given fist and kick blows, resulting in injuries, including on his genitals. Charan Singh was immediately taken to Anand Hospital, Bhikhiwind, where he was declared brought dead. Thereafter, his dead body was taken to Civil Hospital, Patti. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim and inquest proceedings were conducted. The respondent No. 2 was arrested on 12.11.2024. He moved an application for grant of regular bail before the learned trial Court but the same had been dismissed. Thereafter, he filed a petition, bearing number CRM-M-34750-2025, before this Court, whereby he was granted concession of regular bail, vide order dated 04.08.2025. The operative part of order dated 04.08.2025 reads as under :

“3. Learned counsel for the petitioner contends that in the

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present case, there were no injuries on the person of the deceased and the offence under Section 103 of BNS has been wrongly added in the present case. Rather from the medical record, it is apparent that the deceased Charan Singh had died because of cardiac arrest. He further contends that the petitioner was arrested in the present case on 12.11.2024 and is in custody for the last more than 08 months.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. However, he admits that Charan Singh had died because of cardiac arrest.

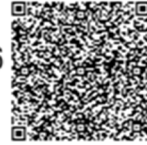
5. I have heard the learned counsel for the parties and perused the record carefully.

6. The petitioner is stated to be in custody for the last more than 08 months. Moreover, the prosecution has yet to lead evidence before the trial Court with regard to the involvement of the petitioner in the present case. Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.”

3. It is argued by learned counsel for the petitioner that respondent No. 2 has misused the concession of bail granted by this Court as on

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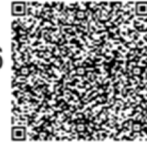
26.09.2025, he along with his son and relatives, while armed with revolver and datar, had attacked the petitioner and some other persons. They threatened the petitioner that if she did not effect a compromise with them, they would kill her. Respondent No. 2 has been threatening and intimidating the prosecution witnesses with dire consequences if they would depose against him. It is also argued that there chances that respondent No. 2 would abscond. She had even filed complaints dated 03.10.2025 and 19.11.2025 against respondent No. 2 narrating the abovementioned facts. However, no action had been taken against him by the police. While alleging that respondent No.2 has misused the concession of bail, it is urged that the order granting regular bail to him is liable to be recalled and the petition deserves to be allowed.

4. Two separate status reports have been filed by the respondent No.1-State. In terms of the same, learned State counsel has argued both the aforementioned complaints filed by the petitioner against respondent No. 2 have been filed after conducting due inquiry as no substance was found in the same.

5. Learned counsel for respondent No. 2 has also argued that he has never misused the concession of bail. The petitioner had moved false complaints against him, which had been filed by the police. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

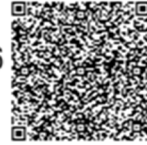
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7. Before delving into the contentions as raised by learned counsel for the parties, this Court considers it necessary to discuss certain principles which govern the cancellation of bail as enunciated by Hon'ble Supreme Court in various pronouncements. Reference can firstly be made to ***Myakala Dharmarajam vs. the State of Telangana : (2020) 2 SCC 743***, wherein it was observed that an order for cancellation of bail can be made only where such order suffers from serious infirmities resulting in miscarriage of justice. If the Court granting bail ignores relevant material indicating *prima facie* involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail.

8. It is also well settled that the discretion to cancel bail is to be exercised sparingly and only where the order granting bail suffers from arbitrariness, capriciousness or perversity, or where it is established on record that the accused has misused the concession of bail. In the present case, the order dated 04.08.2025, passed by the co-ordinate Bench reflects due consideration of the relevant factors, namely the period of custody undergone by the accused, the stage of the trial and the medical opinion indicating that the death of the deceased had occurred due to cardiac arrest. It is not the case of the petitioner that any material fact was concealed from the Court or that irrelevant considerations weighed with the Court while granting bail. The primary ground raised by the petitioner for seeking cancellation of bail is the alleged misuse of concession by respondent No. 2 by way of extending threats

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and committing acts of intimidation. However, this Court finds that the said allegations are not substantiated by any cogent or reliable material on record. Admittedly, the complaints dated 03.10.2025 and 19.11.2025 submitted by the petitioner were inquired into by the competent authorities and were found to be devoid of substance. No FIR or independent proceedings appear to have been initiated pursuant thereto, which diminishes the evidentiary value of such allegations at this stage. It is also pertinent to note that the allegations levelled by the petitioner are general in nature and are not supported by any independent witness, medical record, or other corroborative evidence. In the absence of any tangible material demonstrating that respondent No. 2 has, in fact, attempted to influence witnesses or obstruct the course of justice, no adverse inference can be drawn against respondent No. 2.

9. In view of the aforesaid discussion, this Court is of the considered opinion that the petitioner has failed to make out any case for cancellation of bail granted to respondent No. 2. The allegations made are unsubstantiated and do not meet the stringent threshold required for cancellation of bail. Consequently, finding no merit in the present petition, the same is hereby dismissed.

[MANISHA BATRA]
JUDGE

18.04.2026

Waseem R. Ansari

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No