



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

**CRM-M-68341-2025
Decided on:11.02.2026**

Karnail Ram

...Petitioner

Versus

State of Haryana and another

...Respondents

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Sachin Jangra, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

Mr. Ajay Sinha, Advocate for respondent no.2.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 483(3) of the BNSS, 2023, is for cancellation of anticipatory bail granted to respondent no.2 vide order dated 28.10.2025 by the learned Additional Sessions Judge, Fast Track Court, Sonapat in a case FIR No.007 registered under Sections 112, 305(2), 317(2)(5) read with 3(5) BNS, at Police Station GRP Sonipat, District GRP Ambala Cantt., Haryana.

2. Succinctly, the facts of the case are that the FIR in question was registered on the complaint of the petitioner, namely, Karnail Ram in which it was alleged that on 24.02.2025 when he along with his daughter-in-law was travelling to Kurukshetra from Mumbai Central Railway Station, his bag containing jewellery, cash amount and some valuable documents were stolen from the train, to which he informed his son, who registered a complaint online. Thus, the FIR was registered and on



registration of FIR investigation commenced. During investigation, complicity of respondent No.2 surfaced who was the main accused who received the stolen property of the petitioner from other co-accused. Apprehending arrest, respondent no.2 approached the Court of learned Additional Sessions Judge, Fast Track Court, Sonipat, for grant of concession of anticipatory bail, which has been allowed vide its order dated 28.10.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition for cancellation of the anticipatory bail granted to respondent no.2.

3. Learned counsel for the petitioner has vehemently contended that the stolen jewellery is amounting to Rs.7.00 to 8.00 lacs. He submits that respondent No.2 is a member of a gang, who operates in commission of offences such like theft and snatching and after stealing the bag containing jewellery, cash amount and other valuable documents, the same has been sold to respondent No.2. He further submits that respondent No.2 along with co-accused, have committed the offence of theft. He submits that the learned Additional Sessions Judge, Fast Track Court, Sonipat had failed to appreciate the same that there was a *mens rea* on the part of respondent no.2 and, thus, has illegally granted anticipatory bail to respondent no.2 only on the ground that bail cannot be denied merely because disputed money has not been recovered and that he is ready to provide all necessary assistance/help for effecting recovery.

4. On the other hand, learned counsel for respondent no.2 has submitted that the allegations made in the FIR are completely false and frivolous. He submits that respondent No.2 is not even named in the FIR



and he has been falsely implicated in the present case only on the basis of disclosure statement of co-accused, Karam Kumar, which is not even an admissible evidence. He further submits that nothing is to be recovered from respondent No.2 and thus, the learned Additional Sessions Judge, Fast Track Court, Sonipat, has rightly granted concession of anticipatory bail to him as he is ready to provide al the necessary assistance in effecting recovery of stolen articles.

5. However, learned State counsel has supported the arguments raised by the learned counsel for the petitioner and prays for cancellation of the anticipatory bail granted to respondent no.2. He submits that the recovery is yet to be effected from respondent No.2. He further submits that respondent No.2, on earlier stages of investigation, did not cooperate and even after service of notice, he had not appeared before the investigation officer to join the investigation. He submits that the gang members used to sell jewellery and other stolen property to respondent No.2. He submits that accused persons are part of an organized gang involved in snatching, theft and looting of property and they pose a serious threat to the life of passengers. He further submits that respondent No.2 is facing prosecution in one more FIR. He has submitted that the offences committed by respondent no.2 are serious in nature and, thus, submitted that the present petition deserves to be allowed.

6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that respondent No.2 is the prime accused in the FIR, who has been implicated in the present case on the



allegation that he used to purchase the stolen jewellery. Respondent No.2 is a part of an organized criminal gang who operates in committing offence such as snatching, theft and posing threat to the life and property of the passengers in a well planned manner by hatching a conspiracy in collusion with other co-accused particularly during long journeys in running trains while passengers are asleep. As submitted before this Court, respondent No.2 earlier also, not cooperated with the investigation of the case and did not appear before the investigating agencies at the appointed time, which shows the non-cooperative conduct of respondent No.2 and disregard for the due process of law. Thus, keeping in view the gravity and seriousness of the offences, I find force in the contentions raised by the learned counsel for the petitioner.

7. Hon'ble Supreme Court in the case of **Pakar Ram vs. State of Rajasthan**, 1985 AIR Supreme Court 969, while discussing the scope of grant of anticipatory bail and regular bail, has relied upon the decision of the Constitution Bench in **Shri Gurbaksh Singh Sibbia & Ors. Vs. State of Punjab**, 1980(2) SCC 565 and held as under:-

“6. The decision of the Constitutional Bench in Shri Gurbaksh Singh Sibbia & Ors. v. State of Punjab, 1980(2) SCC 565, AIR 1980 Supreme Court 1632 clearly lays down that 'the distinction between an ordinary order of bail and an order of anticipatory bail is that whereas the former is granted after arrest and therefore means release from the custody of the police, the latter is granted in anticipation of arrest and is therefore effective at the very moment of arrest.' Unlike a post-arrest order of bail, it is a pre-arrest legal process which directs that if the person in whose favour it is



issued is thereafter arrested on the accusation in respect of which the direction is issued, he shall be released on bail. Direction under Sec. 438 is intended to confer conditional immunity from the touch as envisaged by Sec. 46 (1) or confinement. In para 31, Chandrachud, CJ clearly demarcated the distinction between the relevant considerations while examining an application for anticipatory bail and an application for bail after arrest in the course of investigation, Says the learned Chief Justice that 'in regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the appellant on bail in the event of his arrest' would generally be made. It was observed that 'it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond.' Some of the relevant considerations which govern the discretion, noticed therein are the nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension. that witnesses will be tampered with and "the larger interests of the public or the State", are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail.' caution was voiced that 'in the evaluation of the consideration whether the applicant is likely to abscond, there can be no presumption that the wealthy and the mighty will submit themselves to trial and that the humble and the poor will run away from the course



of justice, and more than there can be a presumption that the former are not likely to commit a crime and the latter are more likely to commit it.”

8. Hon’ble the Supreme Court, in another judgment rendered in the case of **Kanwar Singh Meena vs. State of Rajasthan and another**, 2013(4) SCC(Cri) 614, while discussing the powers of High Court and Court of Sessions regarding bail, has held as under:-

“10. Thus, Section 439 of the Code confers very wide powers on the High Court and the Court of Sessions regarding bail. But, while granting bail, the High Court and the Sessions Court are guided by the same considerations as other courts. That is to say, the gravity of the crime, the character of the evidence, position and status of the accused with reference to the victim and witnesses, the likelihood of the accused fleeing from justice and repeating the offence, the possibility of his tampering with the witnesses and obstructing the course of justice and such other grounds are required to be taken into consideration. Each criminal case presents its own peculiar factual scenario and, therefore, certain grounds peculiar to a particular case may have to be taken into account by the court. The court has to only opine as to whether there is prima facie case against the accused. The court must not undertake meticulous examination of the evidence collected by the police and comment on the same. Such assessment of evidence and premature comments are likely to deprive the accused of a fair trial. While cancelling bail under Section 439(2) of the Code, the primary considerations which weigh with



*the court are whether the accused is likely to tamper with the evidence or interfere or attempt to interfere with the due course of justice or evade the due course of justice. But, that is not all. **The High Court or the Sessions Court can cancel bail even in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice. If the court granting bail ignores relevant materials 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. Such orders are against the well recognized principles underlying the power to grant bail. Such orders are legally infirm and vulnerable leading to miscarriage of justice and absence of supervening circumstances such as the propensity of the accused to tamper with the evidence, to flee from justice, etc. would not deter the court from cancelling the bail. The High Court or the Sessions Court is bound to cancel such bail orders particularly when they are passed releasing accused involved in heinous crimes because they ultimately result in weakening the prosecution case and have adverse impact on the society. Needless to say that though the powers of this court are much wider, this court is equally guided by the above principles in the matter of grant or cancellation of bail.***

9. The aforesaid judgment rendered in Kanwar Singh Meena's case (supra) has been followed by Hon'ble the Supreme Court in the case of Myakala Dharmarajam & Ors. Etc. vs. State of Telangana & Anr.,



cancellation of bail can be done in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice and 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.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of respondent no.2 has been *prima facie* established. Recovery of stolen articles is yet to be effected. The investigation is at its threshold and continued release of respondent no.2 on anticipatory bail would scuttle the ongoing investigation.

11. In view of overall attending facts and circumstances of the present case discussed above, the present petition is hereby allowed and the order dated 28.10.2025 passed by the learned Additional Sessions Judge, Fast Track Judge, Sonipat, granting anticipatory bail to respondent no.2 is hereby set aside.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

11.02.2026

ps-I

(Rajesh Bhardwaj)

Judge

Whether Speaking/Reasoned: NO/YES

Whether Reportable: NO/YES