

2026 PHHC 004122



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

101

CRM-M-69783-2025 (O&M)
Date of decision : 14.01.2026

Gamdur Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amarpreet S. Bathindewala, Advocate
for the petitioner.

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 (*for short* 'BNSS') seeking cancellation of pre-arrest bail as granted to respondent Nos. 2 to 5 in FIR No. 0204 dated 24.10.2025, registered under Sections 329(3), 303(2), 351(2), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS') at Police Station Sardulgarh, District Mansa, vide order dated 31.10.2025, passed by the Court of learned Sessions Judge, Mansa.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the statement of the petitioner/complainant Gamdur Singh on 24.10.2025 alleging therein that he was an agriculturist by profession. After the death of Narinder Singh son of Jarnail Kaur, land measuring about 40 acres came to Jarnail

Kaur, her daughter-in-law Malkeet Kaur and grandson Japjeet Singh. The complainant, along with his brother Tarsem Singh, purchased approximately 4½ acres of land from Veerpal Kaur and Manjit Kaur and, in addition thereto, had taken about 12 acres of land on *Theka* (lease) from Jarnail Kaur. It is further alleged that paddy crop had been sown in the said land and was ready for harvesting. On 14.10.2025, at about 3:00-3:30 p.m., when the complainant reached at the leased land, he found Nachhattar Singh, Baljinder Singh, Jaswinder Singh, Paramjit Singh and 10-15 other unidentified persons present there, who were armed with gandasas, swords and dandas. The complainant raised an alarm questioning their presence. At the spot, a combine harvester, two tractors with trolleys and two cars were found parked. One tractor bearing No. PB-31-1518, loaded with paddy, was allegedly driven away by Jaswinder Singh. Thereafter, the villagers gathered at the spot, upon which the accused persons fled along with their weapons and vehicles. It is alleged that the accused committed theft of paddy crop from about 1½ acres of land, valued at approximately Rs.90,000/-. After registration of the FIR, investigation proceedings were initiated. Apprehending their arrest, respondent Nos. 2 to 5 had moved an application for grant of anticipatory bail before the Court of learned Sessions Judge, which had been allowed, vide order dated 31.10.2025.

3. The petitioner, who is originally the complainant of this case, has prayed for cancellation of benefit of pre-arrest bail granted to respondent Nos. 2 to 5. However, on a perusal of the entire petition, it is nowhere reflected as to on what grounds, he is seeking cancellation of bail granted to respondent Nos. 2 to 5, except the one that these respondents are also involved in one

another FIR bearing No. 120 dated 07.07.2025, registered under Sections 329(3), 62, 351(2) and 324(4) of BNS but this fact has been concealed by them while procuring the said benefit from the Court of learned Sessions Judge, Mansa. Hence, it has been argued by learned counsel for the petitioner that on that account only, the benefit of anticipatory bail granted to respondent Nos. 2 to 5, is liable to be cancelled.

4. This Court has heard the submissions made by learned counsel for the petitioner, besides going through the material placed on record.

5. Before proceeding further, 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. Reliance can further be placed upon ***Sushila Aggarwal vs. State (NCT of Delhi) : (2020) 5 SCC 1***, wherein it was observed that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses) or likelihood of his absconding. It was also observed

that whether to grant bail or not is a matter of discretion of the Court. Similar position of law had been laid down in ***Dolat Ram and others vs. State of Haryana :1995 SCC (1) 349.***

6. On applying the above discussed principles of law to the facts of the present case, this Court does not find any ground warranting interference with the order dated 31.10.2025 passed by the learned Sessions Judge, Mansa, whereby respondent Nos. 2 to 5 were granted the benefit of pre-arrest bail. The said order does not suffer from any infirmity, illegality or perversity so as to call for its cancellation in exercise of powers under Section 483(3) of BNSS. A perusal of the petition reveals that except for the bald assertion that respondent Nos. 2 to 5 are also involved in another FIR bearing No. 120 dated 07.07.2025, no other ground has been pleaded or substantiated to demonstrate misuse of the concession of anticipatory bail. Mere involvement of an accused in another criminal case, by itself, does not constitute a valid or sufficient ground for cancellation of bail, unless it is shown that such involvement has a direct bearing on the present case or that the accused have abused the liberty granted to them by indulging in criminal activities after the grant of bail. The contention that respondent Nos. 2 to 5 had concealed their alleged involvement in the aforesaid FIR while seeking anticipatory bail also does not advance the case of the petitioner. There is no material on record to indicate that the alleged concealment, even if assumed to be correct, had any decisive impact on the order granting pre-arrest bail or that the learned Sessions Judge was misled into granting such relief. More importantly, no subsequent conduct has been pointed out to show that the respondents have attempted to influence

the investigation, tamper with evidence or intimidate the complainant or witnesses. It is well settled that cancellation of bail stands on a much higher footing than rejection of bail at the initial stage. Once liberty has been granted by a competent Court, the same cannot be lightly withdrawn in the absence of cogent, overwhelming and supervening circumstances. The petitioner has failed to place any material on record to demonstrate that respondent Nos. 2 to 5 have misused the concession of pre-arrest bail or that their custodial interrogation has become indispensable.

7. In view of the above discussion, this Court is of the considered opinion that the present petition is devoid of merit and does not disclose any ground justifying cancellation of pre-arrest bail granted to respondent Nos. 2 to 5. Accordingly, the same is dismissed.

14.01.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>