

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

121

2026:PHHC:045281



CRM-M-71514-2025 (O&M)
Date of decision: 23.03.2026.

RUPESH VIJ

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Chandan Singh Rana, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

None for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 528 read with Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, for seeking cancellation of the regular bail granted to respondent No.2 vide order dated 29.09.2025 passed by the Additional Sessions Judge, Ludhiana, in FIR bearing No.118 dated 06.08.2025, under Section(s) 109, 125, 285, 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Haibowal, District Ludhiana.

2 The order dated 29.09.2025 granting regular bail to respondent No.2 passed by the Additional Sessions Judge, Ludhiana, reads thus: -

“5. I have considered the arguments and have gone through the file very carefully.

6. In this case, the FIR was registered when a secret information was received by the Investigating Officer that firing has taken place between the two groups. The first party consisted of Rupesh Vij, Gagan Vij, Akash, Abhay Rao, Hani 4-5 other unknown persons, whereas the second party consisted of Divanshu @ Labhu, Kunal Sharma @ Kaimby, Lavnish Kumar @ Lav Bahri, Dipanshu Sahota, Karnik Bhumbak and 5-6 other unknown persons, who were having grudge against each other and they have fired on each other, thereby endangered the life of the people as they have fired in the public place and they have also broken the piece of the people residing in the area. On these allegations the FIR was registered.

7. As per the allegations in the FIR, there was firing between the two groups and they fired at a public place endangering the public life but there is nothing to show that anyone has suffered bullet injury. In this case there is only one injured namely Rupesh Vij and injury on his person is blunt in nature. The applicant is in custody since arrest on 8.8.2025. The investigation is yet to be completed and thereafter the trial will take long time and no useful purpose shall be served by keeping the applicant behind bars for an indefinite period. The co-accused have already been granted bail. Therefore, bail application is allowed and applicant/accused is ordered to be released on bail on furnishing personal bond in the sum of Rs.1,00,000/- with one surety of the like amount to the satisfaction of Trial Court/Illaq/Duty Magistrate, subject to the following conditions :-

1- That applicant/accused shall appear before the trial

court on each and every date of hearing.

2- That the applicant/accused will not leave the country without prior permission of the court.

3- That applicant/accused directly or indirectly shall not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer.

A copy of this order be sent to the Jail Superintendent concerned. Bail application file be consigned to the record room.

Pronounced in open Court.”

3 Learned counsel appearing on behalf of the petitioner contends that at the time of grant of regular bail, certain facts had not been disclosed by the Public Prosecutor including the criminal antecedents and previous involvement of the respondent No.2 in commission of offences of similar nature. It was further argued that it was respondent No.2 who initiated fight and that in response thereto the petitioner had to fire to defend himself.

4 A specific contention has been put to the counsel for the petitioner as to whether the findings recorded by the Additional Sessions Judge, Ludhiana, while granting bail to respondent No.2 herein are based on any incorrect fact or a fraudulent argument having been raised by any of the parties, counsel for the petitioner fairly submits that the facts recorded in the order are not incorrect or fraudulent. Counsel for the petitioner has been asked to refer to any precedent judgment wherein failure to raise certain arguments would make out a case for cancellation of regular bail granted to an accused by the Court. Counsel is not in a position to refer to any such

judgment. He has also been asked as to whether the argument being advanced constitutes a ground sufficient for cancellation of regular bail already granted to respondent No.2, he fairly concedes that the case of cancellation of bail has to be kept at variance and on a different pedestal as compared to rejection of bail.

5 I have heard the learned counsel appearing for the respective parties and have gone through the documents available on record.

6 While certain facts may definitely be relevant for allowing/rejection of bail, however, once an order granting bail has already been passed, rejection of bail has to be on the grounds as acceptable in law. A mere failure to raise certain arguments, by any of the parties, is not amongst the grounds upon which cancelation of a bail already granted may be sought. There is no allegation in the present petition about the abuse of concession of regular bail by respondent No.2 or he having tampered with the evidence or threatening any witnesses after the bail has been granted.

7 Finding no grounds to interfere with the order granting regular bail to respondent No.2, the present petition is dismissed.

March 23, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No