CNR No: PHHC011373372026
2026:PHHC:116473

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

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CRM-M-46394-2026 (O&M)
Date of decision: 20.08.2026

Gurmej Singh **...Petitioner**

Versus

State of Haryana and another **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. C. M. Munjal, Advocate
for the petitioner.

Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana.

MANISHA BATRA, J. *(Oral)*

1. The instant petition has been filed under Section 483(2) of BNSS, 2023 by the petitioner, who is complainant in case arising out of FIR No.0167 dated 01.07.2022, registered at Police Station Chhachhrauli, District Yamunanagar, under Sections 120-B, 167, 420, 467, 468 and 471 IPC, making prayer for cancellation of benefit of pre-arrest bail as granted to respondent No. 2 by this Court, vide order dated 06.11.2023 passed in ***CRM-M-42537-2023***.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered at the instance of the petitioner/complainant Gurmej Singh alleging therein that he and his family members had purchased land measuring 41 kanal 3 marla comprised in the specified khasra numbers at village Bansantor alias Bhagwangarh. However, in the jamabandi for the year 2014-15, respondent No.2/Omkar Singh and others were shown as purchasers/cultivators of the said land, though

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they had never purchased it. It was further alleged that on the basis of the aforesaid revenue entries, respondent No.2 obtained a loan of Rs.1,75,000/- from Canara Bank and Satish Kumar and Aham got the land transferred on the basis of the said entry and that Satish Kumar obtained a loan from Punjab National Bank. After registration of FIR, investigation proceedings were initiated. The respondent No.2 moved an application for grant of pre-arrest bail before the Court of Sessions but the same was dismissed. Thereafter, he filed the aforementioned petition before this Court and vide order dated 28.08.2023, he was granted interim bail, which was made absolute on 06.11.2023. Aggrieved thereof, the petitioner/complainant has filed the present petition seeking cancellation of bail granted to respondent No. 2.

3. It is argued by learned counsel for the petitioner submits that respondent No.2 had approached this Court for anticipatory bail and on 28.08.2023, had stated that he was ready to clear the loan along with interest and penal interest. It is argued that, on the basis of the said statement, interim protection was granted and subsequently, vide order dated 06.11.2023, the interim anticipatory bail was made absolute. Learned counsel submits that despite the aforesaid statement, the loan has not been cleared. Reliance is placed upon the civil suit filed by Canara Bank and the statement of its Branch Manager, according to which an amount was still outstanding. It is, therefore, argued that respondent No.2 had misled the Court by making a false undertaking and that the anticipatory bail granted to him deserves to be cancelled. Hence, it is urged that the petition deserves to be allowed.

4. Notice of motion.

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5. Learned State counsel, who has advance notice of the petition, has submitted that the order granting anticipatory bail was passed after respondent No.2 had joined the investigation and after the Investigating Agency had taken a categorical stand that his custodial interrogation was not required. It is submitted that the order dated 06.11.2023 was thereafter made absolute and respondent No.2 was directed to continue to join investigation as and when required by the Investigating Officer.

6. This Court has heard the rival submissions.

7. Before delving into the contentions as raised by learned counsel for the parties, this Court consider 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 v. 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

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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***.

10. In view of the proposition of law as laid down in the above discussed authorities, it is clear that the discretion under Section 483(3) BNSS *(which corresponds to Section 439(2) Cr.P.C.)* is to be exercised only if it is proved that bail has been granted to an accused of a heinous crime in a manner, which smacks of arbitrariness, capriciousness or perversity and on being satisfied on the basis of material placed on record that the accused has actually misused such liberty. The petitioner in this case has sought cancellation of bail of respondent No.2 on the ground that, while seeking the concession of pre-arrest bail before this Court, respondent No.2 had stated that he was ready to clear the loan along with interest and penal interest, but despite the said statement, the outstanding loan amount has not been cleared. However, this Court finds that the aforesaid ground, by itself, does not constitute a sufficient ground for cancellation of the pre-arrest bail granted to respondent No.2. The order dated 28.08.2023 shows that the interim protection was granted after the Court noticed the stand of the parties and called for the presence of the Deputy Superintendent of Police. Subsequently, vide order dated 06.11.2023, the interim order was made absolute after the State specifically submitted that respondent No.2 had joined the investigation and that his custodial interrogation was not required. The subsequent failure of respondent No.2 to discharge the alleged outstanding loan liability, even if taken to be correct, primarily relates to the financial liability towards the bank. The material placed

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on record does not demonstrate that respondent No.2 has misused the concession of bail, violated any condition imposed upon him, interfered with the investigation, tampered with the evidence or attempted to influence any witness. Likewise, there is no material to establish that the order granting bail was obtained by practising fraud upon or deliberately suppressing any material fact from this Court.

11. It is also pertinent to notice that the statement attributed to respondent No.2 regarding clearance of the loan was made in the course of consideration of his prayer for anticipatory bail. The mere fact that the loan was not subsequently cleared cannot, in the absence of other circumstances indicating misuse of the concession or abuse of the process of law, furnish a ground for cancellation of bail. The parameters for cancellation of bail are distinct from those applicable while considering the prayer for grant of bail in the first instance. Keeping in view the aforesaid facts and the settled principles governing exercise of jurisdiction for cancellation of bail, this Court is of the considered view that no such circumstance has been brought on record which would warrant interference with the aforesaid order. The petitioner has, therefore, failed to make out any ground for cancellation of the pre-arrest bail granted to respondent No.2. Consequently, the present petition is dismissed.

20.08.2026 **(MANISHA BATRA)**
Waseem R. Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

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