



CRM-M-71044-2025

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2026:PHHC:046458



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

(144)

**CRM-M-71044-2025
Date of Decision: 23.03.2026**

FIZA

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Farukh Abdullah, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The instant petition under Section 483(3) of BNSS read with Section 528 of BNSS has been filed seeking cancellation of bail granted by the learned Additional Sessions Judge, Nuh to respondents No.2 to 5 in case FIR No.187 dated 21.08.2025 under Sections 115, 351(3), 75(2), 77, 78, 85 & 92 of BNS, registered at Police Station Pinangwan, District Nuh.

2. Learned counsel for the petitioner submits that the respondents No.2 to 5 have made unlawful demands of dowry from the petitioner and subjected her to harassment. It is submitted that the learned Judicial Magistrate 1st Class, Punhana granted bail to respondent No.2 on 10.11.2025; whereas learned Additional Sessions Judge, Nuh granted bail to respondents No. 3 to 5 on 19.11.2025, subject to the condition that they shall join and cooperate with the Investigating/Arresting Officer and comply with



the conditions stipulated under Section 482(2) of the BNSS. It is further submitted that after securing bail, respondents No. 2 to 5 threatened the petitioner and her family of dire consequences, in case they seek to recover the dowry articles and case amount, thereby violating the conditions of bail. He, therefore, submits that the bail granted to private respondents deserves to be cancelled.

3. The learned State counsel submits that learned trial Court after due consideration of the facts of the case and the evidence adduced, granted bail to respondents No.2 to 5. The investigation in the instant case was carried out in a thorough and non-partitioned way, without any influence or interference. With respect to the alleged threats, it is submitted that the claims of the petitioner has not been corroborated.

4. Heard learned counsel for the parties and perused the case record with their able assistance.

5. Perusal of the record reveals that it was only after hearing the all the parties, respondents No.2 to 5 were granted the concession of bail. With respect to the alleged threats made by the respondents No.2 to 5, no material has been placed on record to substantiate this contention.

6. As per the settled proposition of law, once bail has been granted, it would require cogent and overwhelming circumstances for its cancellation. The order granting bail can only be revoked by the Superior Court while granting the said concession ignored the relevant material available on record, as has been observed by Hon'ble Supreme Court in ***Vipin Kumar Dhir Vs. State of Punjab, 2021 SCC Online SSC 854.***

7. In ***Ms. X vs The State of Telangana (2018) 16 SCC 511,***



Hon'ble Supreme Court held that:

*“In a consistent line of precedent this Court has emphasised the distinction between the rejection of bail in a non-bailable case at the initial stage and the cancellation of bail after it has been granted. In adverting to the distinction, a Bench of two learned Judges of this Court in **Dolatram v State of Haryana [(1995) 1 SCC 349]** observed that:*

“Rejection of a bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. (Generally speaking, the grounds for cancellation of the bail, already granted, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion of attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.”

*These principles have been reiterated by another two Judge Bench decision in Central Bureau of Investigation, **Hyderabad v Subramani Gopalakrishnan (2011) 5 SCC 296** and more recently in **Dataram Singh v State of Uttar Pradesh (2018) 3 SCC 22**:*

“It is also relevant to note that there is difference between yardsticks for cancellation of bail and appeal against the order granting bail. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted. Generally speaking, the grounds for cancellation of bail are, interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concessions granted to the accused in any manner. These are all only few illustrative materials. The satisfaction of the Court on the basis of the materials placed on record of the possibility of the accused absconding is another reason justifying the cancellation of bail. In other words, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.”

8. A three Judge Bench of the Hon'ble Supreme Court in **Deepak**



Yadav Vs. State of Uttar Pradesh and another, (2022) 8 SCC 559, speaking through Justice Krishna Murari, observed as follows:

“33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:

33.1. Where the Court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.

33.2. Where the Court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.

33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.

33.4. Where bail has been granted on untenable grounds.

33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.

33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.

33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.”

9. Learned counsel for the petitioner has not been able to indicate any reasons necessitating cancellation of bail granted to the private respondents. Nowhere it has been indicated that the sanctity of the trial will be adversely affected, if the private respondents continue to enjoy the concession of bail. It has also not been established other than mere uncorroborative averments being made, that there was any violation of the terms and conditions of bail or any threats were made. The scope of interference by the Courts qua cancellation of bail is rather limited and adjudication upon the alleged facts, does not fall within its purview.

10. In view of the above discussion, this Court is of the considered view that the cancellation of bail granted to respondents No.2 to 5 would not



meet the objective standard of reason and justice. Learned counsel for the petitioner has been unable to indicate any perversity in the impugned orders dated 10.11.2025 & 19.11.2025, or demonstrate any conduct on the part of respondents No.2 to 5 that would warrant interference by this Court.

11. In view of the aforesaid and in light of the judgments cited herein above, the petition is dismissed.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

March 23, 2026

Ritika

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