



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

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CRM-M-52380-2024

Date of decision: 22.10.2024

Jashpal Singh Malik

...Petitioner

V/s

State of U.T. Chandigarh and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Manjot Singh Gujral, Advocate, for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh with
Ms.Diksha Sharma, and Mr. Shaurya Nagpal, Advocates,
for the respondent-U.T., Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant petition filed under Section 483(3) of the Bhartiya Nagrik Suraksha Sanhita, 2023 is seeking the cancellation of anticipatory bail granted to respondent No.2 by Addl. Sessions Judge, Chandigarh vide order dated 21.09.2024 (Annexure P-2) in case FIR No.93 dated 10.08.2024 under Section 420 of the IPC, registered at Police Station Sector 26, Chandigarh.

2. Learned counsel for the petitioner submits that the trial Court vide impugned order dated 21.09.2024 (Annexure P-2) erroneously granted the concession of anticipatory bail to respondent No.2-accused without adequately considering the gravity of the allegations levelled in the FIR which has been annexed as Annexure P-1. It has been argued that respondent No.2-accused committed fraud amounting to Rs. 20 lakhs against the petitioner, with Rs. 15 lakhs paid via RTGS and Rs. 5 lakhs provided through a promissory note. Despite the existence of documentary



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evidence and the fact that no recovery had been made from respondent No.2-accused, the trial Court still went ahead and released respondent No.2 on anticipatory bail. It has been further argued by the learned counsel that respondent No.2-accused issued a cheque for Rs.15 lakhs to settle the dispute, but the said cheque was dishonoured upon presentation. Therefore, a prayer has been made by the learned counsel that the concession of bail which has been extended to respondent No.2-accused be cancelled in the light of the aforementioned facts and circumstances and the allegations levelled in the FIR in question.

3. I have heard learned counsel for the parties and have perused the relevant material placed on record.

4. At the outset a query was posed to the learned counsel as to whether respondent No.2-accused had misused the concession of bail granted to him vide impugned order or had been involved in any other criminal case, he failed to bring to the notice of this Court any such circumstance.

5. It needs to be emphasized that cancellation of bail granted to an accused must be reserved only for instances where it comes to the fore that the accused has in some manner misused the said concession by misconducting himself or interfering with the investigation or threatening witnesses or tampering with evidence. Furthermore, bail granted to an accused should be cancelled only on the basis of concrete evidence or significant change in circumstances.



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6. Personal liberty, a cornerstone of constitutional rights, must not therefore be revoked arbitrarily or capriciously. In the present case, after perusing the impugned order, no legal flaw or error can be identified. The learned counsel for the petitioner, as already observed earlier, has not demonstrated any misuse of bail or violation of its conditions by respondent No.2-accused. The mere argument that recovery of the defrauded amount has not been made is insufficient, particularly when the trial Court vide impugned order has categorically noticed and observed that the investigating agency had not sought the custodial interrogation of respondent No.2-accused, and furthermore the petitioner had secured the defrauded amount through a cheque and promissory note.

7. It must also be reiterated, as has been repeatedly held by Hon'ble the Supreme Court, that Courts are tasked with determining whether the legal conditions for granting bail have been met, not resolving financial disputed between parties. The Court's role, therefore, is to ensure justice and uphold legal standards, rather than enforcing recovery claims on behalf of the complainant.

8. As a sequel to the above, this Court does not find any merit in the instant petition. Accordingly, the instant petition is hereby dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 22, 2024
poonam

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