



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

CRM-M-14487-2026 (O&M)

Reserved on: 08.09.2026

Pronounced on : 22.09.2026

Uploaded on: 23.09.2026

Sourabh Narula

...Petitioner

V/s

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Argued by: Mr. Pranshul Dhull, Advocate, for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

Mr. Samay Sandhawalia, Advocate, for respondent No.2.

VIKRAM AGGARWAL, J

The present petition, preferred under Section 483(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), seeks cancellation of regular bail granted to respondent No.2 vide order dated 28.01.2026 passed in CRA-S-2999-2025 in case FIR No.222, dated 24.06.2023 registered at Police Station Civil Lines, District Kaithal under Sections 302, 323, 341, 427 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 27 of the Arms Act, 1959.

2. The petitioner is the complainant in the FIR in question and respondent No.2 is the accused. Respondent No.2 is accused of having committed the murder of one Shyam Lal, who was the servant of one Mukul, cousin of the complainant.

3. Respondent No.2 was granted regular bail vide order dated 28.01.2026 passed in CRA-S-2999-2025. The facts are being borrowed from

the said order;

“Briefly stated, the facts emerging from record are that the FIR of this case came into being at the instance of 'Saurabh' son of 'Jitender Narula', hereinafter being referred to as 'complainant' only. It was stated by the complainant that their neighbour 'Suresh' @ 'Vikcy Sardana' was having grudge against their family for the last 2-3 years, and that with regard to above mentioned issue several times community meeting (panchayat) were convened. According to complainant on 23.06.2023 at about 1.30 p.m 'Shyam Lal' (the deceased), a servant of 'Mukul' had come to their home on a scooty, to fetch food for 'Mukul' but the moment he parked his scooty in the street 'Binny' carrying an iron rod started damaging the above mentioned two wheeler. According to complainant 'Shyam Lal' informed him (complainant) as well as his cousin 'Mukul' about the incident and when the complainant along with 'Shyam Lal' went to street 'Binny', attacked them with the help of steel rod which hit the hand of complainant. The complainant further stated that first blow was suffered by the complainant on his hand and the second one on 'Shyam Lal' on his head, due to which 'Shyam Lal' fell down. It was also stated by the complainant that in the meantime his cousin 'Mukul' also came on the spot but he, too, came under attack, launched by 'Binny'. As per complainant, 'Mukul', too, suffered injury on the backside of his head. According to complainant, the family members of 'Binny' were instigating him at the time of commission of offence and that the neighbours intervened and rescued them. The complainant further stated that thereafter he arranged a vehicle and shifted 'Shyam Lal' and 'Mukul' to hospital, but 'Shyam Lal' passed away due to complications of the injury suffered by him.”

4. The operative part of the order dated 28.01.2026 states as under:-

“18. Accordingly, without commenting anything on the merits of the case, the present appeal is hereby allowed. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the abovesaid concession shall be subject to following conditions:-

- i) that the appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any other authority;*
- ii) that the appellant shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to*

the trial Court, till the final decision of the trial; and

iii) that the appellant shall not leave India without prior permission of trial Court.”

5. It is the case of the petitioner that after the grant of bail, the petitioner and his father started receiving threats and defamatory messages from respondent No.2 from his 'Instagram Id'. They had also received similar messages from the 'Facebook ID' of respondent No.2. He used abusive and foul language against the sister of the petitioner stating as under:-

“band bja dunga iske chakkar me to sabki.”

The messages have been collectively placed on record as Annexure P-4.

6. It has further been averred that on 02.03.2026, respondent No.2 conveyed threats to the brother of the petitioner in person on Dhand road. Serious and explicit threats to the life and reputation of the petitioner and his family members were extended. He also threatened the petitioner that if he appeared before the trial Court to depose against him, he (respondent No.2) would upload photographs of the sister of the petitioner on social media. Respondent No.2 also sent objectionable messages to the other sister of the petitioner.

7. Having been driven to the wall, a complaint (Annexure P-5) was submitted by the petitioner against respondent No.2, pursuant to which, FIR No.72 dated 17.03.2026 was registered at Police Station Civil Lines, District Kaithal under Sections 127(2), 230(1), 351(2), 75(2) and 78 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS'). Respondent No.2 was arrested in the said case and is presently in custody.

8. In the status report submitted by the State of Haryana, it has been averred that on the basis of the complaint dated 04.03.2026, FIR No.72 dated 17.03.2026 had been registered and respondent No.2 had been

arrested.

9. Though notice was duly issued to respondent No.2 and he was duly represented by his counsel and apart from that, respondent No.2 appeared through video conference as well, an opportunity as regards the same having been given to him, no reply was filed and only arguments were addressed.

10. Learned counsel for the parties were heard.

11. It was strenuously urged by learned counsel for the petitioner that in view of the direct threats having been extended by respondent No.2 to the petitioner and his family members, his bail is liable to be cancelled. Reference was made to the documents placed on record.

12. *Per contra*, learned counsel for respondent No.2 submitted that on this solitary instance, the bail should not be cancelled.

13. I have considered the submissions made by learned counsel for the parties.

14. It is well settled that cancellation of bail is a drastic measure and should not be easily resorted to. The law as regards cancellation of bail is very well settled. A three Judges Bench of the Apex Court examined the same in the case of *Aslam Babalal Desai v. State of Maharashtra, 1993 AIR Supreme Court 1* and held as under:-

“11. On a conjoint reading of Sections 57 and 167 of the Code it is clear that the legislative object was to ensure speedy investigation after a person has been taken in custody. It expects that the investigation should be completed within 24 hours and if this is not possible within 15 days and failing that within the time stipulated in clause (a) of the proviso to Section 167(2) of the Code. The law expects that the investigation must be completed with despatch and the role of the Magistrate is, to over-see the course of investigation and to prevent abuse of the law by the investigating agency. As stated earlier, the legislative history shows that before the introduction of the proviso to Section 167(2) the maximum time allowed to the investigating agency was 15 days under sub-section (2) of Section 167 failing which the

accused could be enlarged on bail. From experience this was found to be insufficient particularly in complex cases and hence the proviso was added to enable the Magistrate to detain the accused in custody for a period exceeding 15 days but not exceeding the outer limit fixed under the proviso (a) to that sub-section. We may here mention that the period prescribed by the proviso has been enlarged by State amendments and wherever there is such enlargement, the proviso will have to be read accordingly. The purpose and object of providing for the release of the accused under sub-section (2) of Section 167 on the failure of the investigating agency completing the investigation within the extended time allowed by the proviso was to instil a sense of urgency in the investigating agency to complete the investigation promptly and within the statutory time-frame. The deeming fiction of correlating the release on bail under sub-section (2) of Section 167 with Chapter XXXIII, i.e. Sections 437 and 439 of the Code, was to treat the order as one passed under the latter provisions. Once the order of release is by fiction of law an order passed under Section 437(1) or (2) or 439(1) it follows as a natural consequence that the said order can be cancelled under sub-section (5) of Section 437 or sub-section (2) of Section 439 on considerations relevant for cancellation of an order thereunder. As stated in Raghbir Singh's case the grounds for cancellation under Sections 437(5) and 439(2) are identical, namely, bail granted under Section 437(1) or (2) or 439(1) can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. These grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.”

15. The said principles have been reiterated in subsequent judgments as well. In the case of *Ms. P. v. State of Madhya Pradesh and another*, 2022 AIR SC 2183, a three Judges Bench of the Apex Court again reiterated the aforesaid principles as under:-

“24. As can be discerned from the above decisions, for cancelling bail once granted, the Court must consider whether any supervening

circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial[24]. To put it differently, in ordinary circumstances, this Court would be loath to interfere with an order passed by the Court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the Appellate Court. Some of the circumstances where bail granted to the accused under section 439 (1) of the Cr.P.C., 1973 can be cancelled are enumerated below: -*

- a) If he misuses his liberty by indulging in similar/other criminal activity;*
- b) If he interferes with the course of investigation;*
- c) If he attempts to tamper with the evidence;*
- d) If he attempts to influence/threaten the witnesses;*
- e) If he evades or attempts to evade court proceedings;*
- f) If he indulges in activities which would hamper smooth investigation;*
- g) If he is likely to flee from the country;*
- h) If he attempts to make himself scarce by going underground and/or becoming unavailable to the investigating agency;*
- i) If he attempts to place himself beyond the reach of his surety.*
- j) If any facts may emerge after the grant of bail which are considered unconducive to a fair trial.*

We may clarify that the aforesaid list is only illustrative in nature and not exhaustive”.

16. Very recently, the Apex Court again referred to the principles laid down in *Aslam Babalal Desai’s* case (supra) in the case of *Sanajy Kumar Jangid and another v. Mukesh Kumar Agarwal & another (Crl. Appeal Nos.2381-2025 arising out of SLP(Crl) Nos.1632 of 2025, decided on 02.05.2025).*

17. Reverting to the facts of the case, respondent No.2 was released on regular bail by a coordinate Bench vide order dated 28.01.2026 passed in CRA-S-2999-2025. Immediately thereafter, respondent No.2 started extending threats to the petitioner and his family members. I have perused the messages sent from his Instagram ID and Facebook Id in which, he apart from other things, had written “band bja dunga iske chakkar me to sabki”.

He also uploaded the pictures of the sister of the petitioner and sent messages to her as well. This led to the filing of a complaint on 04.03.2026 (Annexure P-5) and consequent registration of FIR No.72 dated 17.03.2026. Respondent No.2 is in custody in the said case.

18. When respondent No.2 appeared before this Court through video conference, his behaviour was found to be abnormal and speech incoherent. It would be for the jail authorities or for the authorities concerned to get his mental state examined, if so required.

19. Having considered the matter in its entirety, this Court is of the firm opinion that respondent No.2 cannot be permitted to remain on bail because if it is so permitted, any untoward incident can take place.

20. In the considered opinion of this Court, he has violated the most essential condition of the order granting bail by threatening the complainant side. w

21. Keeping in view the totality of the facts and circumstances, as discussed in the preceding paragraphs, the present petition is allowed and the bail granted to respondent No.2 vide order dated 28.01.2026 passed in CRA-S-2999-2025 is cancelled. Respondent No.1 is directed to take necessary steps in compliance with this order.

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

(VIKRAM AGGARWAL)
JUDGE

Pronounced on: 22.09.2026
vcgarg

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No