



2026:AHC:57652

AFR

Reserved**HIGH COURT OF JUDICATURE AT ALLAHABAD****CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. - 363
of 2025**

Veer Pal Singh

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhinav Mishra, Ankit Kumar, Mata
Achal Mishra, Sanjay Kumar Singh,
Shrawan Kumar Pandey, Vinay Mishra

Counsel for Opposite Party(s) : Aushim Luthra, G.A., Harishchandra
Yadav

Court No. - 91**HON'BLE RAJ BEER SINGH, J.**

1. Heard learned counsel for the applicant, learned counsel for the opposite party no.2 learned A.G.A for the State and perused the material brought on record.

2. This application has been filed on behalf of informant under Section 483(3) BNSS for cancellation of bail granted to the opposite party no.2 Vineet by this Court vide order dated 05.06.2025, passed in Criminal Misc Bail Application No. 15679 of 2025 in relation to Crime No.61 of 2025, under Sections 74, 115(2) BNS and Section 7/ 8 POCSO Act, Police Station- Kudhfatehgarh, District- Sambhal.

3. It has been argued by learned counsel for the applicant that the daughter of applicant was harassed and molested by the opposite party no.2 and in that regard applicant has lodged a first information report on 06.04.2025, vide Crime No.61 of 2025, under Sections 74 BNS and Section 7/8 POCSO Act against opposite party no.2 Vineet. In that matter,

the opposite party no.2 Vineet was granted bail by this Court vide order dated 05.06.2025, subject to certain conditions. It was submitted that after opposite party no.2 was released on bail, he again started harassing the daughter of applicant and he did *cherkhani* and threatened her and resultantly on the night of 25/26.07.2025 the daughter of applicant committed suicide. In that regard a complaint was made to the police and first information report was registered on 29.07.2025, under Section 108 BNS against the opposite party No.2. Learned counsel has referred the conditions, subject to which the opposite party no.2 was granted bail by this Court in aforesaid case and submitted that the opposite party no.2 has violated conditions of bail and misused the liberty of bail, he did *cherkhani* and threatened the victim and consequently, victim/ daughter of applicant committed suicide and thus a case for cancellation of bail is made out. It was submitted that in Case Crime No.147 of 2025, under Section 108 BNS, after investigation police have already submitted charge-sheet. In that matter, the co-ordinate Bench of this Court has already declined to grant anticipatory bail to the opposite party no.2. Referring to facts of the matter, it was submitted that a case for cancellation of bail is made out.

4. Learned counsel for the opposite party no.2 has opposed the application and submitted that the opposite party no.2 has never misused the liberty of bail. It was stated that in earlier case the victim has denied the allegations of molestation in her statement recorded under Section 183 BNSS and due to that reason she was harassed and pressurized by her family members and she has committed suicide due to that reason. Regarding alleged harassment of victim by the opposite party no.2, no complaint was made to the police by the informant. Even the specific details like date and time of incidents of alleged harassment or *cherkhani* have not been mentioned. Merely a general and vague allegation has been made that after opposite party no.2 was released on bail, he has harassed and threatened the victim. Referring to first information report of above

referred Crime No.147 of 2025, under Section 108 BNS, it was submitted that there is no evidence that applicant has abetted or instigated the victim to commit suicide. Even otherwise the consequences of the alleged second case under section 108 BNS have to be faced by the applicant in the trial of said case. There is no credible evidence that opposite party no.2 has misused the liberty of bail or violated the conditions of bail and thus no case for cancellation of bail is made out.

5. I have considered the rival submissions and perused the record.

6. It is well settled that considerations and parameters by a Court while granting a bail are different than those of cancellation of bail. This aspect has been considered by Hon'ble Supreme Court in **State (Delhi Administration) vs. Sanjay Gandhi** (1978) 2 SCC 411, wherein Hon'ble Court had an occasion to consider an order dated 11.04.1978 passed by Delhi High Court rejecting Delhi Administration's application for cancellation of bail of respondent Sanjay Gandhi. Hon'ble Apex Court observed that rejection of bail, when bail applied is one thing; cancellation of bail already granted is quite another. It is easier to reject a bail application in a non-bailable case than to cancel a bail granted in such a case. Cancellation of bail necessarily involves review of a decision already made and can, by and large, be permitted only, if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow accused to retain his freedom during the trial.

7. In **Raghubir Singh vs. State of Bihar** (1986) 4 SCC 481, it was observed that grounds for cancellation of bail under Sections 437(5) and 439(2) are identical, namely, bail granted under Section 437(1) or (2) or Section 439(1) can be cancelled where (i) 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. It was also held that above grounds are illustrative and not exhaustive. Rejection of bail stands on one footing but cancellation of bail is a harsh order since it interferes with liberty of individual and must not be lightly resorted to.

8. In **Dolat Ram and others vs. State of Haryana** (1995) 1 SCC 349, the Court observed that rejection of bail in a non-bailable case at initial stage and cancellation of bail so granted, has to be dealt with and considered on different basis. Very cogent and overwhelming circumstances are necessary for an order directing cancellation of bail, already granted. Court further said that generally speaking grounds of cancellation of bail, broadly i.e. illustrative and not exhaustive are : (i) interference or attempt to interfere with the due course of administration of justice; (ii) evasion or attempt to evade due course of justice; (iii) abuse of the concession granted to the accused in any manner; (iv) Satisfaction of Court, on the basis of material placed on record of possibility of accused absconding. Hon'ble Court also reminded that 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 concession of bail during trial.

9. In **Prahlad Singh Bhati vs. NCT, Delhi** (2001) 4 SCC 280, the Court said that while granting bail, nature of accusations, severity of punishment, if accusation entails a conviction, nature of evidence in support of the accusations should be kept in mind. Further, reasonable apprehensions of witnesses being tampered with or apprehension of there being a threat for complainant also need be weighed by Court. No discussion of entire evidence to form an opinion whether evidence would established guilt beyond reasonable doubt is expected at the stage of

considering matter of bail but prima facie satisfaction of Court in support of charge must be there. Lastly, Court should also consider whether prosecution has element of genuineness or there is some fragility. In case of any doubt as to genuineness, normal course is to grant bail. To the same effect are the observation made in *Chaman Lal vs. State of U.P.* (2004) 7 SCC 525.

10. In **CBI, Hyderabad vs. Subramani Gopalakrishnan and others** (2011) 5 SCC 296, the Court observed:

"...that there is difference between yardstick 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."

11. In **Neeru Yadav vs. State of U.P.** (2014)16 SCC 508, bail was granted to accused for offences punishable under Sections 147, 148, 149, 302, 307, 394, 411, 454, 506, 120B and 34 IPC on the ground of parity as another accused Ashok was already enlarged on bail. The wife of deceased filed appeal for setting aside order of bail granted by this Court. The Court considered various earlier authorities and held as under :

"...It is well settled in law that cancellation of bail after it is granted because the accused has misconducted himself or of some supervening circumstances warranting such cancellation have occurred is in a different compartment altogether than an order granting bail which is unjustified, illegal and perverse. If in a case, the relevant factors which should have been taken into consideration while dealing with the application for bail and have not been taken note of bail or it is founded on irrelevant considerations, indisputably the superior court can set aside the order of such a grant of bail. Such a case belongs to a different category and is in a separate realm. While dealing with a case of second nature, the Court does not dwell upon the violation of conditions by the accused or the supervening circumstances that have happened subsequently. It, on the contrary, delves into the justifiability and the soundness of the order passed by the Court."

12. In **State of Orissa and Ors. Vs. Mahimananda Mishra and Ors.** (2018) 10 SCC 516, the accused was granted bail by High Court and it

was set aside by Supreme Court. The Apex Court observed that accused was a powerful and influential person in his locality and even Investigating Officer apprehends that he may influence witnesses by intimidating them and this may influence trial by creating fear in the minds of witnesses. Court also looked into past attempt of accused to evade process of law and then found that order of grant of bail was not proper and it was set aside.

13. In **Seema Singh vs. Central Bureau of Investigation and Ors.** (2018) 16 SCC 10, it was observed that gravity of offence is a relevant factor but not the sole ground to deny bail if there are other overwhelming circumstances justifying grant of bail.

14. In the case of **Victim 'X' v. State of Bihar & Anr.** 2025 INSC 877, while setting aside the order granting bail to a person accused of committing grave offences, inter alia, under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Apex Court observed as follows:

"24. It is trite that bail once granted should not be cancelled ordinarily, but where the facts are so grave that they shake the conscience of the Court; and where the release of the accused on bail would have an adverse impact on the society, the Courts are not powerless and are expected to exercise jurisdiction conferred by law to cancel such bail orders so as to subserve the ends of justice. The present one is precisely a case of such nature."

15. In case of **Puran v. Rambilas** (2001) 6 SCC 338, it was held that in case after grant of bail, in case the accused has committed breaches of terms and conditions on which bail is granted or if he has otherwise misconducted himself, the High Court or Sessions Court can exercise power under Section 439(2) of CrPC to cancel the bail.

16. Thus, it is well settled that bail granted to an accused may be cancelled, where it is shown that such accused has misused his liberty by indulging in criminal activity or attempts to tamper with evidence or witnesses or threatens witnesses or on the grounds of like nature. Though, as stated above, conditions and parameters by a Court while granting a

bail are different than those of cancellation of bail but the courts have evolved certain broad principles, wherein bail granted to an accused can be cancelled. Bail granted to an accused may also be cancelled if reason of supervening circumstances, it would be no longer conducive to a fair trial to allow accused to retain his freedom during bail. Where an accused has been enlarged on bail subject to certain conditions and it is shown that such accused has substantially and deliberately violated such conditions, such bail / anticipatory bail could be cancelled.

17. In the present matter it appears from record that the opposite party no.2 / accused used to harass the minor girl of informant and he did '*cherchar*' with her and she was also assaulted. In that connection a case was registered against him on 06.04.2025 vide Crime No.61 of 2025, under Sections 74 BNS and Section 7/8 POCSO Act. In that matter, the opposite party no.2 Vineet was granted bail by this Court vide order dated 05.06.2025, subject to the following conditions:-

"(i). The applicant shall not tamper with the evidence during the trial.

(ii). The applicant shall not pressurize / intimidate the prosecution witness.

(iii). The applicant shall appear before the Trial Court on the date fixed, unless his personal appearance is exempted.

(iv). The applicant 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 them from disclosing such facts to the Court.

In case of breach of any of the above condition, the Court concerned shall be at liberty to cancel bail of applicant in accordance with law."

18. It was shown that after released on bail in that case, the opposite party no.2 Vineet again started harassing the daughter of informant/ applicant and did *cherkhani* with her and he has threatened her and resultantly on the night of 25/ 26.07.2025 she committed suicide. In that regard a case was registered against opposite party no.2 on 29.07.2025, under Section 108 BNS. It was shown that in this second case after investigation charge-sheet has been submitted against opposite party no.2. Thus, prima facie the allegations made in the subsequent case under Section 108 BNS have been substantiated during investigation. From the conduct of opposite party no.2 and aforesaid facts, it is apparent that opposite party no.2

Vineet has misused the liberty of bail granted to him in Case Crime No.61 of 2025 vide order dated 05.06.2025, passed in Criminal Miscellaneous Bail Application No.15679 of 2025. There is sufficient material to indicate that opposite party no.2 has deliberately breached the conditions of said bail and misused the liberty of bail and thus, a case for cancellation of bail granted to the opposite party no.2 vide order dated 05.06.2025 is made out.

19. In view of aforesaid, the bail granted to the opposite party no.2/ accused Vineet vide order dated 05.06.2025, passed in Criminal Miscellaneous Bail Application No.15679 of 2025 in relation to Case Crime No.61 of 2025, under Section 74 BNS and Section 7/ 8 POCSO Act, is hereby cancelled. The opposite party no.2/ accused Vineet is directed to surrender before the court concerned within a period of two weeks from today.

20. The bail cancellation application is **allowed**.

March 20, 2026

'SP'/-

(Raj Beer Singh,J.)