

2025 LiveLaw (SC) 924

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

AHSANUDDIN AMANULLAH; J., S.V.N. BHATTI; J.

SPECIAL LEAVE PETITION (CRIMINAL) NO. 3843/2025; 15 SEPTEMBER, 2025

GURVINDER SINGH *versus* JASBIR SINGH @ JASVIR SINGH & ANR.

Code of Criminal Procedure, 1973 - Section 482 – Held, High Court cannot grant anticipatory bail by recalling initial order of dismissal - Such restoration is impermissible and contrary to law - the Court emphasized that once an application for anticipatory bail is rejected with reasons, proceedings for recall / restoration is not permissible in law - Supreme Court set aside the recall order and left it open for parties to avail remedies available in law - Appeal allowed. [Paras 4 - 7]

[Arising out of impugned final judgment and order dated 07-02-2025 in CRM No. 3089/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

For Petitioner(s) Mr. Anil Kumar, AOR Mr. Kunal Jindia, Adv. Ms. Gauri Swarup Bansal, Adv.

For Respondent(s) Mr. Ajay Kumar Talesara, AOR Mr. Jamshed Bey, Adv. Mr. Tejasvi Kumar, Adv. Mr. Syed Sarfaraz Karim, Adv. Mr. Ekansh Bansal, Adv. Mrs. Renu Bhandari, Adv. Mr. Mudit Talesara, Adv. Mr. Samarth Talesara, Adv. Mr. Karan Sharma, AOR Mr. Mohit Siwach, Adv. Mr. Chetan Manchanda, Adv.

ORDER

Heard learned counsel for the parties.

2. Leave granted.

3. The appellant has moved this Court against the impugned order dated 07.02.2025 passed by the High Court of Punjab and Haryana at Chandigarh in CRM No. 3089/2025 in CRM-M No.41080/2024, by which the proceeding which had earlier been dismissed on 17.01.2025, and the prayer for anticipatory bail was rejected, on a later petition, the dismissal order was recalled, and anticipatory bail was granted.

4. Learned counsel for the appellant submitted that the High Court has taken recourse to a course unknown in law. It is submitted that such a procedure is also impermissible. It was submitted that once a detailed order dismissing the prayer for anticipatory bail had been passed, the proceedings stood finally concluded and could not have been revived by way of recall, much less restoration.

5. Learned counsel for the respondent no.1/accused, on the other hand, submitted that cogent reasons were recorded in the impugned order for recalling the earlier dismissal.

6. Having considered the matter in depth, we find substance in the contention of learned counsel for the appellant.

7. The learned Single Judge, after having passed an order dismissing the prayer for anticipatory bail, could not have revived the proceedings, much less by way of restoration. The Court could not have then proceeded to reverse its earlier order by allowing the prayer for anticipatory bail which was initially rejected.

8. Accordingly, the order impugned dated 07.02.2025 stands set aside. The initial order dated 17.01.2025, dismissing the application and prayer for anticipatory bail, stands revived.

9. Consequences to follow. The parties are left open to avail the remedies as may be available to them in law.

10. The appeal stands allowed in the aforementioned terms.
11. Pending application(s), if any, shall stand disposed of.

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