

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

**CRM-M-26840 of 2015**

**Date of Decision: August 18, 2015**

Vijay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. S.K. Garg, Narwana, Senior Advocate  
with Mr. Abhishek Vig, Advocate  
for the petitioner.

Mr. Deepak Sabherwal, Addl A.G. Haryana.

**FATEH DEEP SINGH, J.**

The petitioner who is a police official of the rank of S.I. was involved in a case registered by way of FIR No.18 dated 14.04.2015 under Section 7 of the Prevention of Corruption Act, registered at Police Station, SVB Hisar, District Hisar and vide order dated 18.5.2015 the learned Additional Sessions Judge, Jind allowed regular bail to the petitioner. It is subsequent thereto an application for cancellation of the bail orders of the petitioner was moved and vide orders dated 1.8.2015 Annexure P/5 the Court of learned Additional Sessions Judge, Jind cancelled the bail of the petitioner and against which the petitioner has sought regular bail before this Court.

The contentions of the learned counsel for the petitioner that without being any cogent and convincing reasons

the learned Court has recalled these orders contrary to law and which is sought to be refuted with much elance on behalf of the State submitting that being a Police official was interfering in the investigations.

Appreciating these submissions way back in **AIR 1999 Supreme Court 3026** in the case of **Subhendu Mishra vs. Subrat Kumar Mishra and others** the Hon'ble Apex Court laid down a principle that where the petitioner is already on bail in a non-bailable case and for cancellation of his bail very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail already granted. Though, it was held that ground for such an eventuality are not exhaustive but are illustrative and 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 and it is on the basis of the material placed before the Court the same has to be considered. As the impugned order reveals the petitioner is already under suspension and, thus, out of way to overreach the law. Not even a single instance much less of any substantive nature has been alleged against the petitioner and merely on the premise that the petitioner was threatening the complainant for compromising the matter the vague allegations that he would be falsely implicated has led to the passing of the impugned order. Merely on the basis of complaints to the high authorities does not suffices the purpose when there is nothing brought to the notice of this Court that there is every likelihood of the petitioner running away from the law or is interfering in the investigations. The learned lower Court has merely on presumption and assumption has drawn these

conclusions which are highly uncalled for. There is no material even brought before this Court in support of these averments of the complainant.

In view thereof and keeping in view that the trial is not likely to be concluded in near future and no useful purpose shall be served by keeping the petitioner behind the bars, in view of which, the impugned orders cancelling the bail application of the petitioner are set aside and the petitioner is ordered to be released on bail to the satisfaction of the trial Court.

**(FATEH DEEP SINGH)**  
**JUDGE**

**August 19, 2015**  
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