

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

Criminal Misc.No.M-40415 of 2015

Date of Decision: December 02, 2015

Vijay Kumar

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.R.S.Bajaj, Advocate,
for the petitioner.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439(2), Cr.P.C., is for cancellation of anticipatory bail granted to respondent No.2-Manu Malhotra by learned Additional Sessions Judge, Jalandhar, vide order dated 13.10.2015 in a case arising out of FIR No.44, dated 01.09.2015 for the offences punishable under Sections 201, 380 and 448, IPC, registered at Police Station, Jalandhar Cantt.

Learned counsel for the petitioner/informant/complainant-Vijay Kumar submits that without application of mind, learned Additional Sessions Judge, Jalandhar, has granted the anticipatory bail to respondent No.2-Manu Malhotra. He further submits that offences for which respondent No.2-Manu Malhotra

has been booked are serious in nature and after grant of anticipatory bail to respondent No.2, she and her husband, Sanjiv Kumar, are pressing hard the informant to resolve the dispute.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

As per the allegations levelled in the FIR and enumerated in the impugned order, respondent No.2 with her husband, Sanjiv Kumar, had unlocked the portion of the house occupied by the informant and removed the articles.

The present dispute is going on amongst Vijay Kumar (uncle) and his nephew, Sanjiv Kumar. A civil litigation with regard to the house is also going on. Learned Additional Sessions Judge after perusing the material available on record and by according cogent reasons firstly granted the ad-interim anticipatory bail to respondent No.2 and thereafter, the said order of ad-interim bail was confirmed vide the impugned order. Learned counsel for the petitioner could not point out as to why the well-reasoned order granting anticipatory bail to respondent No.2 be set aside. There is not even a single instance whereby it can be said that respondent No.2 had violated the conditions laid down in the impugned order.

It is the settled law that parameters for grant of bail are different than its cancellation. In the considered opinion of the Court, no ground for interference by this Court is made out to

cancel the bail of respondent No.2.

Dismissed.

December 02, 2015
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(Naresh Kumar Sanghi)
Judge