

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

CRM-M-11709-2016 (O&M)

Date of decision : 20.10.2016

Sangeeta

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Thind, Advocate for the petitioner.

Mr. Harsimrat Rai, DAG, Punjab,
assisted by HC Raj Singh.

Mr. Umesh Kanwar, Advocate for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 439(2) of the Code of Criminal Procedure (for short, 'the Cr.P.C.') for cancellation of bail granted to respondent No.2 vide order dated 25.01.2016, in FIR No.97 dated 21.09.2015, registered under 307, 325 and 323 of the Indian Penal Code, at P.S. Sadar Abohar.

Heard.

The dispute is inter se the husband and wife. Respondent No.2- husband was allowed bail by learned trial Court. Thereafter, respondent No.2 allegedly threatened the petitioner. When no action was taken, she

moved a representation, Annexure P-3.

Learned State counsel, on instructions, states that such a representation was never received. However, she assures that in case, any representation is moved, prompt action shall be taken by the authorities.

Learned counsel for the respondent No.2 submits the allegations levelled by the petitioner are false and against the record. Respondent No.2 has been regularly appearing before the trial Court.

A Full Bench of Hon'ble the Supreme Court in ***State (Delhi Administration) vs. Sanjay Gandhi 1978(2) SCC 411*** made the following elemental distinction in defining the nature of exercise while cancelling bail:-

“Rejection of bail when bail is applied for 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 already granted in such a case. Cancellation of bail necessarily involves the 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 the accused to retain his freedom during the trial.”

In the instant case, no supervening circumstances have been indicated by the petitioner to cancel the bail already granted to the petitioner. Even no representation has been moved by the petitioner to the

concerned authorities.

In view of the above, no case for cancellation of bail is made out.

Dismissed.

However, the State shall provide necessary protection to the petitioner.

20.10.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No