

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

CRM No.M-15746 of 2016

Date of decision: 09.05.2016

Ajit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.C. Arora, Advocate for the petitioner.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 (2) of the Code of Criminal Procedure, the petitioner has sought cancellation of bail granted by this Court, in case FIR No. 176 dated 24.10.2015, registered under Sections 457, 380, 506 read with Section 34 IPC, at Police Station Sadar, Ludhiana.

It is contended that the order dated 17.12.2015 was passed on the wrong facts projected by respondent No.2 that she is legally wedded wife of the petitioner, whereas the decree of divorce dated 31.10.2011 had already been passed. Respondent No.2 is in possession of certain valuable documents which emerges from the statement of the co-accused.

Heard.

Though the decree of divorce has been passed, this Court while granting the bail to the petitioner/respondent No.2 said that the dispute is inter se the husband and wife. The fact whether any representation was made by the petitioner/respondent No.2 and the issue of stolen articles shall be dealt by the trial Court at an appropriate stage. In **Dolat Ram and others Vs. State of Haryana**, JT 1995(1) S.C. 127, it has been held that the bail granted to the accused should not be cancelled in a mechanical manner. There is no quarrel with the proposition of law as laid down by the Hon'ble Supreme Court. The consideration for the cancellation of bail are totally different than the one for granting the bail. Such considerations should be weighty and strong, leaning towards the prosecution and the injuries suffered by the aggrieved party.

No material or circumstance has been brought to the notice of this Court, which could be a ground to cancel the bail. There is no allegation that respondent No.2 has influenced the process of the investigation or intimidated the petitioner. The order dated 17.12.2015 was passed in the background of peculiar facts and circumstances projected before this Court at the relevant time.

In the circumstances, no case for interference is made out. Dismissed.

09.05.2016

*sumit.k***(JITENDRA CHAUHAN)**
JUDGE