

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

CRM-M-15923 of 2015 (O&M)

Date of decision: 29.09.2016

Baldev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Piara Singh.

Mr. Rajender Singla, Advocate
for respondent Nos.2 to 4.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 (2) read with Section 482 of the Code of Criminal Procedure, the petitioner has sought cancellation of bail granted to respondent Nos.2 to 4 by learned Addl. Sessions Judge, Ludhiana, vide order dated 11.02.2015 (Annexure P-2) in FIR No. 339 dated 12.11.2014, registered under Sections 448, 427, 506, 457, 380 read with Section 34 IPC, at PS Focal Point, Ludhiana.

There is no representation on behalf of the petitioner. It has been averred in the petition that respondent Nos.2 to 4 have

misused the concession of bail granted by learned Addl. Sessions Judge. The private respondents have started threatening the petitioner after getting the concession of bail.

In pursuance of the notice of motion order, reply by way of affidavit has been filed in the Court is taken on record. As per the reply, no new circumstance has arisen to justify the cancellation of bail granted, vide order dated 11.02.2015. It has been further categorical averred that the levelling of allegation that on 23.04.2015, the private respondents had given beatings to the petitioner, was inquired into by the ACP (South), Ludhiana. The allegations raised in the complaint were found to be without substance.

I have heard learned counsel for the parties and perused the record.

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 dispute with regard to the proposition of law as laid down by Hon'ble the 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 reference or circumstance to indicate that respondent Nos. 2 to 4 have misused the bail granted vide order dated 11.02.2015.

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

Dismissed.

29.09.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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