

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

**CRM No. M-20255 of 2015
DECIDED ON: JULY 04, 2016**

BIREN KATARIA

.....PETITIONER

VERSUS

STATE OF PUNJAB & ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Parveen K. Kataria, Advocate
for the petitioners.

Mr. K.S. Nalwa, Addl. AG, Punjab.

None for respondent No.3.

JASPAL SINGH, J

By virtue of this petition preferred under Section 439(2) Cr.P.C. petitioner has sought the cancellation of bail granted to respondent No.3 vide order dated April 23, 2015 passed in CRM No. M-10641 of 2015 with reference to FIR No. 6 dated January 22, 2015 under Sections 420, 406, 465, 467, 468, 471 and 120-B IPC registered at Police Station Khuian Sarwar, Tehsil Abohar, District Fazilka.

The contention of learned counsel for the petitioner is that for the

reasons best known to respondent No.3 he did not make any mention with regard to the filing of bail application in the petition filed under Section 167 (2) Cr.P.C. and thereby concealed the fact regarding the filing of earlier petition on the same issue before this Court wherein, he was granted the concession of regular bail. Thus, respondent No.3 was having two orders granting regular bail to him.

Undoubtedly, respondent No.3 was an employee of the petitioner and was granted the concession of regular bail by this Court vide order dated April 23, 2015 passed in CRM No. M-10641 of 2015 but he did not avail any benefit thereof. Since the prosecution failed to present the report under Section 173(2) Cr.P.C. within a prescribed period of 90 days, respondent No.3 moved a fresh application before learned trial Court seeking bail under Section 167(2) Cr.P.C., which was granted to him. Even, if for the sake of arguments it is admitted that petitioner did not disclose the factum of granting regular bail to him vide order dated April 23, 2015 passed in CRM No. M-10641 of 2015, no case is made out for the cancellation of bail granted by learned trial Court under Section 167(2) Cr.P.C. Moreover, similar petition preferred by the petitioner has already been dismissed by this Court vide order dated November 19, 2015 passed in CRM No. M-18567 of 2015.

Finding no merit in the instant petition, the same stands dismissed especially, in the circumstances that the concession of bail granted to the petitioner has not been misused by him in any manner to prejudice the trial.

JULY 04, 2016
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(JASPAL SINGH)
JUDGE