

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

CRM-M-32452-2015 (O&M)

Date of decision : 06.10.2016

Gurmeet Kaur

...Petitioner

Versus

Angrej Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. PPS Duggal, Advocate for the petitioner.

Mr. Raman Goklaney, Advocate for respondent Nos.1 and 2.

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

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 anticipatory bail granted to respondent Nos.1 and 2, vide order dated 01.09.2015, in FIR No.93 dated 05.08.2015, registered under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, at P.S. Cantt. Ferozepur.

It is contended that the learned Court below erred in granting anticipatory bail to the private respondents as specific allegations against the respondent warrant custodial interrogation. From the perusal of the FIR,

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involvement of the employees of the revenue department is prima facie made out, which could have been fortified after subjecting the respondents to custodial interrogation. Learned counsel cites ***Abdul Basit @ Raju Vs. Md. Abdul Kadir Chaudhary, 2014(4) R.C.R. (Criminal) 716; Gulabrao Baburao Deokar Vs. State of Maharashtra, 2014(1) R.C.R. (Criminal) 459; Pooja Bhatia Vs. Vishnu Narain Shivpuri, 2014(13) SCC 492; and State of Kerala Vs. Moidheen Kunji (Kerala), 2013(6) R.C.R. (Criminal) 2772.***

On the other hand, learned counsel for respondent Nos.1 and 2 contends that cancellation of bail has been sought on the merits of the case which cannot be gone into at this stage. There is no allegation that the respondents have ever misused the concession so granted. He cites ***Hazari Lal Das Vs. State of West Bengal, 2009(4) R.C.R. (Criminal) 340; Inder Singh Guram Vs. U.T. Chandigarh, 1998(1) R.C.R. (Criminal) 456; Punjab State Co-op. Supply & Mkt. Federation Ltd. Vs. State of Punjab, 1999(3) R.C.R. (Criminal) 704; and Savitri Agarwal Vs. State of Maharashtra, 2009(3) R.C.R. (Criminal) 792.***

Heard learned counsel for the parties.

The instant petition for cancellation of anticipatory bail granted to respondent Nos.1 and 2, has been filed stating various reasons which relate to the merits of the case, which this Court is not inclined to probe at this stage. There is nothing on record to suggest that the accused-respondents have ever abused or misused the concession of anticipatory bail granted to them by the learned Court below. The grounds raised for cancellation of bail are essentially factual and shall be gone into by the trial Court at appropriate stage. The case law cited by learned counsel for the

petitioner is distinguishable on facts.

In this view of the matter, the instant petition is hereby dismissed.

Dismissed.

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(JITENDRA CHAUHAN)
JUDGE

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