

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

CRM No.M-42848 of 2015

Date of decision: 06.01.2016

Jyoti

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Kahlon, Advocate for the petitioner.

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

Respondent No.2 in person.

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. 184 dated 11.12.2013, registered under Sections 376, 506 and 34 IPC, at Police Station Dhariwal, District Gurdaspur.

It is contended by the learned counsel for the petitioner that respondent No.2 has misused the concession of bail granted by this Court by concealing the material facts from the Court. She has been continuously threatening the petitioner. The respondent No.2

has mislead the Court by showing herself to be the wife of co-accused Raj Kumar. Therefore, the present petition deserves to be allowed.

On the other hand, respondent No.2 present in Court states that she has been regularly appearing before the trial Court and has never misused the process of the Court.

The learned State counsel, on instructions states that no complaint has been received on behalf of the petitioner. As and when any complaint is received, the same will be examined and action will be taken upon the same.

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 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 Court or intimidated the petitioner. The order dated 28.09.2015 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.

06.01.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE