

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

CRM-M-44275-2016

Date of decision: December 16, 2016

Sushil Kumar @ Kare

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. J.S.Hooda, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner, Sushil Kumar @ Kare has filed this petition under Section 439 (2) Cr.P.c. for cancellation of anticipatory bail of respondent Nos.3 to 5 namely Surender Kumar Gaur, Ram Kishore Kaushik and Arun Shrivastav which has been granted vide order dated 05.09.2016, passed by learned Additional Sessions Judge, Palwal, in case FIR No.473 dated 21.07.2016, registered at Police Station Sadar Palwal, under Sections 379-A, 392, 323, 506 and 34 IPC.

I have heard learned counsel for the petitioner and have gone through the record.

Vide order dated 05.09.2016 (Annexure P-2) passed by learned Additional Sessions Judge, Palwal, the order dated 05.08.2016, granting interim bail to respondent Nos.3 to 5, has been made absolute. Nothing has been pointed that respondent Nos.3 to 5 have misused the concession of anticipatory bail in any way.

The only point argued for cancellation of bail is the nature and gravity of the offence. As per the allegations in FIR, respondent Nos.3 to 5- financiers have taken away truck of the complainant despite the fact that the petitioner-complainant is paying the installments and the finance company has committed the discrepancies in the account.

At the time of arguments, learned counsel for the petitioner also argued that a civil suit was filed by the present petitioner in which stay was granted in favour of the petitioner prior to the occurrence.

After hearing learned counsel for the petitioner, I find that vide impugned order dated 05.09.2016 (Annexure P-2), learned Additional Sessions Judge has used the discretionary power by giving the benefit of anticipatory bail to respondent Nos.3 to 5, who had already joined the investigation and since then, they have not misused the concession of anticipatory bail.

Therefore, no ground is made out for cancellation of bail at this stage.

Dismissed.

December 16, 2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No