

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

CRM No.M-9371 of 2015

Date of decision: 14.09.2016

Gurpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Lokesh Sharma, Advocate for
Mr. Kunal Mulwani, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Rajinder Kumar.

Mr. Ankur Bansal, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

CRM-21915 and 36369 of 2015

Allowed as prayed for, subject to all just exceptions.

Main Case

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 No.2 by learned Addl. Sessions Judge, Jalandhar, vide order dated 21.02.2015 (Annexure P-4) in FIR No. 222 dated 22.11.2014, registered under Sections 323, 324, 326 read with Sections 34 and 380 IPC, at PS

Maqsudan, Jalandhar.

It is contended by the learned counsel for the petitioner that respondent No.2 has misused the concession of bail granted by learned Addl. Sessions Judge. The petitioner has again been attacked therefore, the concession of bail needs to be withdrawn. In support of his contentions, he refers to MLRs (Annexures P5 & P7) and FIRs (Annexures P6 & P8)

On the other hand, the learned counsel for the respondent No.2 states that the petitioner 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 on the complaint made by the petitioner an FIR was registered which was subsequently cancelled as the injuries reflected in the MLR were found to be self suffered. The petitioner is also involved in FIR No.20 dated 31.01.2016, under Sections 307, 326, 323 and 324 IPC.

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 allegation that respondent No.2 has influenced the process of the Court or intimidated the petitioner. The order dated 21.02.2015 was passed in the background of peculiar facts and circumstances projected before this Court at the relevant time. The injuries on the person of the petitioner vide MLR Annexure P-5 has already been found to be self suffered whereas MLR Annexure P-7 has been found to be falsely got prepared and FIR No.163 dated 14.10.2015, Annexure P-8 has also been recommended to be cancelled.

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

Dismissed.

14.09.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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