

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

**Crl. Misc. No.M-8456 of 2016(O&M)
Date of decision : 08.11.2016**

Paramjit Singh

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Vineet Chaudhary, Advocate
for the petitioner.**

Ms. Dimple Jain, AAG, Haryana.

**Mr. Ahish Gupta, Advocate
for the complainant.**

ANITA CHAUDHRY, J.

Petitioner is seeking regular bail in FIR No.699 dated 12.08.2015, registered under Sections 306/34 IPC at Police Station Karnal City, District Karnal.

The petitioner had been allowed bail by the Addl. Sessions Judge on 10.12.2015, vide Annexure P-4. After his release the complainant got another FIR registered. The complainant was a tenant in the house of the petitioner. The allegations were that the petitioner and some others had thrown all her house-hold articles in the canal and had put a lock on the tenanted premises after they (petitioners) were released from the jail. An

application for cancellation of bail was filed by the complainant. Vide order dated 24.12.2015, the bail allowed to the petitioner by the Addl. Sessions Judge was cancelled. It is against that order that the petitioner has approached this Court.

Both the sides have been heard.

Counsel for the petitioner had urged that the antecedent of the complainant should have been seen and there is another FIR that has been lodged against the complainant under Section 323, 452 IPC.

The State counsel informs that second FIR had been registered against the petitioner and the articles were recovered from the canal and challan had been presented against the petitioner and the trial is going on.

The complainant's daughter had committed suicide. The allegations were that the son of the petitioner used to harass the girl. A complaint was given to the police, which was compromised. Three days later an unfortunate incident occurred. The petitioner was also named in the FIR. The Addl. Sessions Judge allowed bail to the petitioner on 10.12.2015. Bonds were furnished and on the next day he was released. Another FIR had been registered on the statement of the complainant as she (complainant) found that her tenanted premises had been locked, another lock had been put and all articles have been removed and thrown in the canal. This fact was disclosed to her by the neighbours who had seen the incident.

In ***Raghubir and another Vs. State of Bihar AIR 1987 SC 149*** it was held that the grounds for cancellation under Section 437(5) and 439(2) are identical, namely, bail granted under Section 437(1) or (2) or Section 439(1) can be cancelled where: (i) the accused misuses his liberty by

indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency and (vii) attempts to place himself beyond the reach of his surety, etc.

The petitioner after his release has misused his liberty and therefore, his bail was cancelled. No ground for bail is made out. I find no infirmity in the order of the Court below. The petition is dismissed.

08.11.2016

Sunil

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No