

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

CRM-M-10561 of 2017(O&M)

Date of decision :08.08.2017

Silochana

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Ms.Kaavya Jariyal, Advocate
for the petitioner.

LISA GILL, J. (Oral)

Prayer in this petition is for cancellation of regular bail afforded to respondent no.2 by the learned Additional Sessions Judge, Jind vide order dated 06.01.2017(Annexure P-2) in FIR No. 278 of 18.11.2015, under Sections 376(2)(I), 354(D), 34 IPC and Section 4 & 8 of Protection of Children from Sexual Offence Act, 2012, registered at Police Station City Narwana.

The following order was passed by this Court on 17.05.2017:-

“The petitioner prays for cancellation of bail granted to respondent No.2 vide order dated 06.01.2017.

It is not in dispute that the petitioner in her statement under Section 164 Cr.P.C. had not raised any allegation attracting the rigors of Section 376(2)(i) IPC or Section 8 of the Protection of Children from Sexual Offences Act, 2012. She has, however, subsequently in her testimony before the learned trial Court raised such allegations. Statement of the petitioner as well as of her mother have been recorded. The learned trial

Court after taking into consideration the above facts as well as the FSL report granted the concession of bail pending trial to respondent No.2 who had been in custody for more than a year in this case. Learned counsel has argued that the FSL report in this case is forged and procured but it is not denied that the said FSL report was submitted when respondent No.2 was in custody. It is further alleged that the petitioner has stopped going to school due to this incident but again it is not denied that the petitioner was not going to school even when the accused was in custody. There is not a single averment in the present petition pointing out to any violation of conditions of bail by respondent No.2 since the time he has been enlarged on bail. Prima facie there appears to be no ground for interference. Learned counsel for the petitioner at this stage prays for an adjournment.

Adjourned to 08.08.2017.”

The arguments addressed on the last date of hearing have been reiterated.

Heard learned counsel for the petitioner.

Learned counsel for the petitioner is unable to point out any ground which calls for cancellation of bail afforded to respondent no.2 as there is no averment or allegations that the said respondent in any manner misused the concession of bail.

It has been held by the Hon'ble Supreme Court in **Manjit Prakash & Ors. Vs. Shobha Devi & Anr. 2008 (3) R.C.R. (Criminal) 768** that grant of bail to an accused at the initial stage and the cancellation of bail stand on different footings. Cancellation of bail is a harsh order because it interferes with the liberty of the individual and should not be resorted to lightly. Similarly, the Hon'ble Supreme Court in **Savitri Agarwal & Ors. Vs. State of Maharashtra & Anr. 2009 (3) R.C.R (Criminal) 792** observed that very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted.

As noted earlier, respondent no.2 was afforded the benefit of bail by the learned trial Court on 06.01.2017 after taking note of the fact

that the statement of the prosecutrix has been recorded. There is nothing on record which indicates that respondent no. 2 has abused the concession of bail granted to him vide a well reasoned order dated 06.01.2017.

Consequently, finding no merits, this petition is dismissed. Needless to say that in case, there is any violation of the terms and conditions of the bail granted to respondent no. 2, the petitioner is at liberty to take appropriate steps seeking cancellation of bail.

08.08.2017

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No