

CRM-M-1466-2017

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

CRM-M-1466-2017

Date of Decision:01.06.2017

Amarjit Ram

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. P.S.Punia, Advocate,
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

Mr. Arjun Veer Sharma, Advocate,
for respondent No.2.

INDERJIT SINGH, J.

Petitioner-Amarjit Ram has filed this petition under Section 439 (2) Cr.P.C. for cancellation of bail granted to respondent No.2, vide order dated 05.12.2016 passed by this Court in CRM-M-35776-2016, in case FIR No.15 dated 28.01.2011, registered at Police Station Salem Tibri, District Ludhiana, under Sections 419, 420, 465, 467, 471 and 468 IPC and Section 12 of the Passport Act, 1967.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of respondent No.1-State. Respondent No.2 also appeared through his counsel and contested this petition.

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

Learned counsel for the petitioner argued that respondent No.2 obtained the bail order by misrepresentation of the facts.

However, learned counsel for respondent No.2 relied upon ***Abdul Basit @ Raju and others Vs. Md. Abdul Kadir Chaudhary and another*** (2015) 1 SCC (CrI.) 257 wherein it has been held by the Hon'ble Supreme Court that High Court cannot review the order and cancel the bail even if it came to the notice that accused had obtained bail by misrepresentation of facts and fraud and there is no provision of review in Cr.P.C. It has also been held that Section 362 Cr.P.C. operates as bar to any alteration or review of the cases disposed of by the court. The singular exception to the said statutory bar is correction of clerical or arithmetical error by the court.

In view of the law laid down as stated above, no ground is made out for cancellation of bail of respondent No.2.

Therefore, finding no merit in the present petition, the same is dismissed.

01.06.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No