

CRM-M-15947-2017

Date of Decision : 03.08.2017

Surjit Kaur and another

.....Petitioners

versus

Kuljeet Singh and another

....Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL**Present:** Mr. P.S. Jammu, Advocate
for the petitioners.**LISA GILL, JUDGE (ORAL)**

Prayer in this petition is for cancellation of anticipatory bail granted to respondent No. 1 in FIR No. 23 dated 02.03.2017. Respondent No. 1 is the brother-in-law of the deceased-Manjeet Kaur. He is facing trial in FIR No. 23 dated 02.03.2017 under Sections 306 and 34 IPC registered at Baretta, District Mansa.

It is vehemently argued that after being afforded the concession of anticipatory bail, respondent No. 1 is regularly threatening the complainant and his family. Reference is made to representation, Annexure P-3. Therefore, it is prayed that bail granted to respondent No.1 be cancelled.

I have heard learned counsel for the petitioners and have gone through the file.

It is to be noted that no specific incident has been put forth by the petitioners wherein respondent No. 1 has extended any threat to the petitioners and family. Even at the time of arguments, no such incident could be brought forth, though reference is made to the averments in para 4

of the petition that threats were extended to the petitioners on 13.04.2017 and 14.04.2017. However, the manner and place of said threats are not revealed either in the petition or at the time of arguments.

It has been held by the Hon'ble Supreme Court in *Savitri Agarwal and others versus State of Maharashtra and another* 2009 (3) RCR (Criminal) 792 that rejection of bail in a non-bailable case at the initial stage and cancellation of bail are to be dealt with on different basis. Extremely cogent and overwhelming circumstances are necessary for directing the cancellation of bail afforded to an accused.

Keeping in view the facts and circumstances of the case, I do not find any ground for cancellation of anticipatory bail granted to respondent No.1-accused. There is nothing on record to indicate misuse of this concession by respondent No. 1.

Consequently, this petition is dismissed.

Needless to observe that the petitioners are always at liberty to take recourse to their remedies in case of any infraction on the part of respondent No. 1 of any of the conditions imposed upon him.

(LISA GILL)
JUDGE

03.08.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No