

CRM-M-17301-2017

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

CRM-M-17301-2017

Date of Decision:28.11.2017

Jatinder Kumar @ Babbu

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Bikramjit Singh Randhawa, Advocate,
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

Mr. Gautam Dutt, Advocate,
for respondent No.2.

INDERJIT SINGH, J.

Reply on behalf of respondent No.2, filed in Court today, is
taken on record.

Petitioner-Jatinder Kumar @ Babbu has filed this petition
under Section 439 (2) Cr.P.C. for cancellation of bail granted to respondent
No.2 in complaint No.COMI/240/2014, under Sections 306 and 34 IPC,
titled as 'Jatinder Kumar @ Babbu vs. Hukam Chand', vide order dated
17.03.2017 passed by learned Additional Sessions Judge, Fatehgarh Sahib.

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

I have heard learned counsel for the parties as well as learned

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State counsel and have gone through the record.

From the record, I find that in the present case, cancellation report was submitted by the police, notice of which was issued to the complainant. But, the complainant was not satisfied with the investigation and filed the protest petition. The Court took the cognizance on the protest petition and summoned respondent No.2-accused.

Respondent No.2 is only to face the trial and is not required for any investigation or interrogation purposes. In these circumstances, learned Additional Sessions Judge directed respondent No.2 to surrender before the learned Area/Duty Magistrate within 10 days from that day and the trial court/Duty Magistrate was directed to release him on bail subject to its satisfaction.

Keeping in view the facts and circumstances of the present case, I find that no illegality has been committed by learned Additional Sessions Judge while granting the bail to respondent No.2. Furthermore, nothing has been argued by learned counsel for the petitioner that respondent No.2 is tampering with the evidence etc. or giving any threat to the other party. In these circumstances, I do not find any ground to cancel the bail granted to respondent No.2.

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

28.11.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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