

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

CRM-M-30707-2013 (O&M)

Date of decision: 30.01.2017

RAM MOHAN SHARMA

...Petitioner(s)

Versus

STATE OF HARYANA AND ANR.

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. A.S. Gulati, Advocate for
Mr. A.S. Sullar, Advocate for the petitioner (s).

Mr. Neeraj Poswal, AAG, Haryana
assisted by ASI Jaipal.

Jitendra Chauhan, J. (Oral)

This petition has been filed under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. for cancellation of anticipatory bail granted to respondent No.2 by the Court of learned Addl. Sessions Judge, Kurukshetra in FIR No.661 dated 21.10.2012 registered under Sections 420, 467, 468 and 471 IPC, at Police Station Thanesar City, District Kurukshetra.

The learned counsel appearing for the petitioner refers to (Annexure P-3) DDR lodged against respondent No.2 after his release. He further refers to report of the investigating officer, allegedly prepared on the basis of statement recorded in the neighbourhood of respondent No.2 to contend that respondent No.2 is a mischievous person.

The learned State counsel, on instructions, states that no

complaint has been received by the authorities after release of respondent No.2. He further submits that out of twenty prosecution witnesses, five have been examined so far and rest of the prosecution witnesses have been summoned for next date of hearing.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

In Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Anr., 2004 (2) R.C.R.(Criminal) 254: 2004 (7) SCC 528, Hon'ble the Supreme Court held as under:-

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstance, the following factors also before granting bail; they are:

- (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- (b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- (c) Prima facie satisfaction of the court in support of the charge.”*

A three-member Bench of Hon'ble the Supreme Court in **State (Delhi Administration) Vs. Sanjay Gandhi**, 1978 (2) SCC 411 made the following observations with regard to cancellation of bail:

“Rejection of bail when bail is applied for is one thing; cancellation of bail already granted is quite another, it is easier to reject a bail application in a nonbailable case than to cancel a bail already granted in such a case. Cancellation of bail necessarily involves the review of a decision already made and can by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial.”

In the instant case, nothing has been brought on record to substantiate the fact that respondent No.2 misused the concession of bail granted to him. Moreover, in view of the law laid down in **Madan Lal Vs. State of Haryana and another**, 2016 (3) R.C.R. (Criminal) 620 (P&H) and **Devinder Singh Vs. Harbans Singh**, 1999 (3) R.C.R. (Criminal) 325 (P&H), no case for cancellation of bail is made out at this stage.

Consequently, the instant petition is devoid of merit and is hereby dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

30.01.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No