

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44239 of 2016

DATE OF DECISION: AUGUST 8, 2017

ANT RAM AND ANOTHER

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI.

PRESENT: MR. ANKUR LAL, ADVOCATE
FOR THE PETITIONER.

MR. ARJUN SINGH YADAV, AAG, HARYANA.

MR. NAVEEN CHOPRA, ADVOCATE
FOR RESPONDENT NO.2.

A.B. CHAUDHARI, J.

Learned counsel for the complainant seeks adjournment.

However, looking into the nature of the matter and the earlier adjournments, adjournment is declined.

It is not in dispute that in FIR No.146 dated 23.5.2015 under Sections 420, 120-B and 506 IPC and Sections 3/4 of the Immigration Act registered at Police Station Butana, Karnal, the petitioners, by order dated 1.3.2016, were ordered to be released on anticipatory bail. The petition for anticipatory bail was disposed of on merits by the Court of Addl.Sessions Judge, Karnal. I have perused the said order wherein reasons have been assigned for grant of order of anticipatory bail on merits. Thereafter, by the impugned order dated 30.11.2016 of Addl.Sessions Judge, Karnal presided over by another Judicial Officer had ordered cancellation of bail dated 1.3.2016, again on merits. I have perused the said order carefully and have

found that learned Addl.Sessions Judge while making the impugned order has made number of observations on merits in contra-distinction with the reasons given by learned earlier Addl.Sessions Judge, Karnal and has come to the conclusion that it was clear participation of respondents No.2 and 3 in the commission of offence and therefore, the bail was required to be cancelled. There is no reason in the impugned order that after grant of anticipatory bail vide order dated 1.3.2017, the petitioners have misused the concession of anticipatory bail or they had misconducted themselves which could be a reason for cancellation of grant of anticipatory bail.

In my opinion, the impugned order is nothing but a review of the earlier order which is impermissible under law. This matter will have to be allowed. However, liberty will have to be granted in favour of the complainant to put to challenge to the order dated 1.3.2016 granting anticipatory bail to the petitioners before the appropriate forum, namely, the High Court.

In view of the above, the petition is allowed. The impugned order dated 30.11.2016 is quashed. Liberty is reserved in favour of the complainant as well as the State to put to challenge the said order dated 1.3.2016, if so advised.

Disposed of.

August 8 , 2017
Gulati

(A.B. CHAUDHARI)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No