

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

CRM-M-44880 of 2017.

Decided on:-November 28, 2017.

Gaurav.

.....Petitioner.

Versus

Indrawati and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. S.S. Walia, Advocate for the petitioner.

HARI PAL VERMA, J.

The petitioner has filed present petition under Section 439 (2) read with Section 482 Cr.P.C. for cancellation of anticipatory bail granted to respondent No.1 Indrawati vide order dated 03.10.2017 passed by learned Additional Sessions Judge, Faridabad in FIR No.156 dated 18.08.2017 under Sections 420, 467, 468, 471 and 120-B IPC registered at Police Station Chhainsa, District Faridabad.

Learned counsel for the petitioner has argued that vide order dated 03.10.2017, learned Additional Sessions Judge, Faridabad had granted anticipatory bail to the petitioner and had made the order of interim bail as absolute on certain terms and conditions. He has further argued that after grant of anticipatory bail, respondent No.1 and her co-accused have started harassing and threatening the petitioner and tried to impress upon the petitioner-complainant to withdraw the complaint filed by him failing which the accused shall make it difficult for the complainant and his family

members to live and earn their livelihood in the village. The petitioner has approached the police, but no help is being extended and the accused have not been arrested. When the accused came to know that the petitioner has approached the police, they became even more aggressive and have been extending constant threats to the petitioner-complainant.

I have heard learned counsel for the petitioner.

As per the FIR, the allegation against respondent No.1 is that she got a forged certificate of Middle Examination prepared at Adarsh High School, village Dalauta, Tehsil Chhata, District Mathura in connivance with other co-accused and on the basis of said forged certificate, she has procured a job of Anganwadi Worker and accordingly, the FIR in question was registered against respondent No.1.

Taking into consideration the nature of allegations as levelled against respondent No.1 and the terms and conditions of bail order dated 03.10.2017 passed by learned Additional Sessions Judge, Faridabad, this Court finds that respondent No.1 has not violated any of the aforesaid conditions. No such material has been brought on record which may suggest that respondent No.1 has violated the terms and conditions of order dated 03.10.2017. The only allegation against the respondent No.1 is that she is impressing upon the petitioner-complainant to withdraw the complaint, which is not a sufficient ground to cancel the anticipatory bail granted to respondent No.1.

In *Subhash Chander Versus State of Haryana and another* 2010(4) RCR (Criminal) 856, it has been observed by this Court that once

bail has been granted in a non-bailable case, ordinarily the same is not to be cancelled by superior Courts on the same material and the same can be cancelled, in case there are very cogent and overwhelming circumstances existing for an order directing cancellation of bail already granted. The relevant para No.15 of the said judgment reads as under:

*“15. There is no dispute regarding legal proposition as held by Hon'ble Apex Court in **Savitri Agarwal v. State of Maharashtra 2009(3) RCR (Criminal) 792**, on which reliance has been placed on behalf of respondent no.2 that once bail has been granted in a non bailable case, ordinarily the same is not to be cancelled by superior courts on the same material and however, the same can be cancelled, if there are very cogent and overwhelming circumstances existing for an order directing cancellation of bail already granted.”*

Since no such material has been brought to the notice of this Court showing the existence of cogent and overwhelming circumstances for cancellation of anticipatory bail granted to respondent No.1, this Court does not find any illegality in the impugned order dated 03.10.2017 passed by learned Additional Sessions Judge, Faridabad.

The present petition is, accordingly, dismissed.

(HARI PAL VERMA)
JUDGE

November 28, 2017
Yag Dutt

Whether speaking/reasoned: Yes

Whether Reportable: No