

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

CRM-M-8566 of 2016 (O&M)

Date of decision: 24.01.2017

Vimal Monga

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Parvez Chugh, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Naveen Sharma, Advocate
for respondent No.2.

None for respondent No.3 despite service.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 (2) read with Section 482 of the Code of Criminal Procedure, the petitioner has sought cancellation of bail granted to respondent Nos.2 to 4 by learned Addl. Sessions Judge, Ludhiana, vide order dated 24.12.2015 (Annexure P-3) in FIR No. 107 dated 06.11.2015, registered under Section 382 read with Section 34 IPC, at PS Daresi, Ludhiana.

It is contended that the Court below failed to consider the antecedents of private respondents who are involved in other FIRs

also. The private respondents have been constantly threatening the petitioner to compromise the matter. He further states that for redressal of his grievance, the petitioner had moved an application dated 21.12.2016 to the police, however, no action was taken.

On the other hand, the learned State counsel though admits the factum of involvement of private respondents, however, in the reply filed on behalf of the State, the private respondents have been said to be persons of bad antecedents. On instructions, she states that representation dated 21.12.2016 as asserted by the petitioner has been received by the authorities on 03.01.2017 and the same is under active consideration before the competent authority.

I have heard learned counsel for the parties and perused the record.

In **Dolat Ram and others** Vs. **State of Haryana**, JT 1995(1) S.C. 127, it has been held that the bail granted to the accused should not be cancelled in a mechanical manner. There is no dispute with regard to the proposition of law as laid down by Hon'ble the Supreme Court. The consideration for the cancellation of bail are totally different than the one for granting the bail. Such considerations should be weighty and strong, leaning towards the prosecution and the injuries suffered by the aggrieved party.

There are general allegations of threatening against the private respondents which lacks in specificity. The private

respondents have been regularly appearing before the trial Court, therefore, at this stage, it cannot be said that the private respondents in any manner have misused the concession of bail. No material or circumstance has been brought to the notice of this Court, which could be a ground to cancel the bail. In the circumstances, no case for interference is made out.

Dismissed.

However, on consideration of application dated 21.12.2016, in case the competent authority comes to the conclusion that the bail order is being misused by the private respondents, the competent authority shall be at liberty to move an appropriate petition in the matter.

24.01.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No