

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

CRM-M-1177-2018 (O&M)
Date of decision : 13.09.2018

Lashman Singh @ Laxman Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Grewal, Advocates,
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

Mr. S.S. Sidhu, Advocate for respondent Nos.2 to 4.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 482 read with Section 439(2) of the Code of Criminal Procedure (for short, 'the Cr.P.C.'), for cancellation of bail granted by this Court to respondent Nos.2 to 4 in FIR No.12 dated 15.02.2016, registered under Sections 420, 465, 467, 468, 471, 506 and 120-B of the Indian Penal Code, at P.S. City-II, Abohar, District Fazilka.

Grant of bail and cancellation thereof are governed by different parameters altogether. A three-member Bench of Hon'ble the Supreme Court in *State (Delhi Administration) V. Sanjay Gandhi 1978 (2) SCC 411* made the following elemental distinction in defining the nature of exercise while cancelling 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 non-bailable 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 ***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.

Respondent Nos.2 to 4 are grandfather, father and mother, respectively of co-accused Rajinder Kaur @ Rozy, who, through her husband, made an undertaking before this Court (in a separate petition) that she will pay the entire disputed amount. It is alleged that the undertaking so made has not been honoured by her. However, in the absence of any other material on record to suggest that respondent Nos.2 to 4 have ever misused the concession of bail granted to them, this Court is not inclined to accept the prayer made in the instant petition.

Dismissed.

However, considering the conduct of respondent Nos.2 to 4 and co-accused Rajinder Kaur @ Rozy, the trial Court is directed to conclude the trial expeditiously, preferably, within a period of five months from today, even if it calls for taking up the matter on day-to-day basis.

13.09.2018
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No