

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

**Criminal Misc. No.M-24005 of 2018 (O&M)
Date of Decision: May 31, 2018**

Surinder Kumar

.....PETITIONER(s).

VERSUS

State of Haryana and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ajay Shekhawat, Advocate with
Mr. Madan Sandhu, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

This is application for cancellation of bail granted to respondent No.2 vide order dated 15.05.2018 passed by learned Sessions Judge, Kaithal in case bearing FIR No.86 dated 31.03.2018 registered for the offences punishable under Sections 436, 201 read with Section 120-B of Indian Penal Code, at Police Station Kalayat, District Kaithal.

As per the allegations in the FIR, house of complainant (now petitioner) was put on fire by someone on the intervening night of 21/22.02.2018, when the complainant had gone to his fields to attend his agricultural work. He suspected that Jitender @ Dhola (respondent No.2) had put his house on fire. Respondent No.2 was arrested in this case on 18.04.2018 and was allowed regular bail vide order dated 15.05.2018.

During investigation, it was alleged that petitioner (complainant) had

strained relations with his wife and she had developed affinity with respondent No.2. She left her matrimonial home in February, 2018 after having a quarrel with the petitioner. It was on the asking of wife of the petitioner that Jitender had put the house of petitioner on fire.

The case is based on circumstantial evidence. There is no eye-witness to the occurrence. Report of Forensic Science Laboratory is still awaited. Keeping in view all these facts and circumstances, learned Sessions Judge allowed regular bail to respondent No.2.

Learned counsel for the petitioner has argued that after being released on bail, respondent No.2 has assaulted the petitioner and matter was reported to the police vide complaint dated 21.05.2018, copy of which has been placed on file as Annexure P-3, as such, respondent no. 2 has no right to remain on bail and same as allowed by learned Sessions Judge, Kaithal be cancelled.

The allegations levelled in complaint (Annexure P-3) will be a matter to be looked into by the police during separate enquiry. However, in view of the facts and circumstances of the case, I find no reason to cancel the regular bail allowed to respondent No.2 by learned Sessions Judge, Kaithal.

This application has no merits. Dismissed.

May 31, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***