

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

CRM-M-28322-2017 (O&M)

Date of Decision: 18.05.2018

Vipul

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. N.K.Malhotra, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Punjab.

Mr. Sandeep Punchhi, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This is a petition which has been filed under Section 439(2) Cr.P.C. for cancellation of bail allowed by order dated 03.03.2017 passed by Additional Sessions Judge, Rohtak.

Learned counsel appearing on behalf of the petitioner contends that after the anticipatory bail had been allowed to respondent No.2 herein, she had received threats from him of dire consequences and in this regard she has already addressed a letter dated 19.04.2017 (Annexure P-5) to the SHO, Women Police Station, Rohtak.

It is argued that under Sections 438(2) Cr.P.C, bail could be cancelled in case a person, granted bail made any inducement, threat or

promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or police officer. In other words intimidate the witnesses. Therefore, it is argued that the anticipatory bail ought to be cancelled.

Per contra, learned counsels on behalf of the respondent-State and the respondent No.2 submit that as far back as on 05.07.2017, charges have been framed and thereafter it is the petitioner herein who is not coming forth to have her statement recorded. It is also reflected that there is an order dated 08.12.2017 which reflect that there were chances of compromise between the parties which could not be effected. Despite that the petitioner herein is not forth coming on several occasions thereafter, which is causing delay in trial itself.

I have heard learned counsel for both the parties and in view of the fact that there is no specific incident put forth as to how there has been a violation of the order of the Court, no further orders are called for.

In view of the above, the present petition is hereby dismissed.

However, in case there is a threat to the petitioner at the hands of respondent No.2, she is at liberty to approach the authority concerned for appropriate action.

May 18, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No