

CRM-M-33426-2018

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

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Date of Decision: 13.12.2018

Dalbir Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Yashveer Kharb, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Sanjiv Sheoran, Advocate,
for respondents No.2 and 3.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 (2) Cr.P.C. for cancellation of regular bail granted to respondent No.2-Ronak vide order dated 11.01.2018 passed in CRM-M-45568-2017 and to respondent No.3-Vinod vide order dated 15.02.2018 passed in CRM-M-4969-2018, in case FIR No.438 dated 21.06.2017, registered at Police Station Samalkha, District Panipat, under Sections 323, 341, 506, 379-B and 34 of IPC and Sections 201, 216 and 302 of IPC, added later on.

Notice of motion was issued. Learned State counsel put in appearance on behalf of respondent No.1-State.

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Respondents No.2 and 3 also appeared through their counsel and contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and gone through the record.

The case of petitioner-complainant is that after the grant of bail to respondents No.2 and 3, they started threatening him as well as his family members. It is also stated that the complainant is the main witness and still to be examined. Respondents No.2 and 3 are putting pressure for compromising the matter and further they have put a video on facebook showing guns in their hands and raising *lalkara* etc.

Perusal of record shows that regarding these facts, FIR No.301, under Sections 195-A, 506 and 34 of IPC has already been registered by the police. It has been brought to the notice of this Court that challan has already been presented in that FIR against respondents No.2 and 3 namely Ronak and Vinod. Further, Investigating Officer of the case, who was present in the Court, has shown me a video posted on facebook in his mobile which shows that so many persons with guns including respondent No.3-Vinod as stated can be seen in the video showing strength of arms.

Keeping in view the above facts, I find that respondents No.2 and 3 are putting pressure upon the witnesses for compromise and posting of such type of video on the facebook shows their conduct that they are indirectly threatening the witnesses and also putting pressure upon them which amounts to tampering with the evidence. Therefore, in such circumstances, I find merit in the present petition and the same is allowed.

The regular bail granted to respondents No.2 and 3 vide orders dated

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11.01.2018 passed in CRM-M-45568-2017 and dated 15.02.2018 passed in CRM-M-4969-2018, respectively, is cancelled. Trial Court is directed to take respondents No.2 and 3 in custody as per law.

13.12.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No