

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

CRM-M-42159-2017

Date of decision:-23.4.2018

Avtar Giri

...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Rahul Deswal, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Rajbir Deswal, Advocate
for the complainant.

H.S. MADAAN, J.

This is a petition under Section 439(2) Cr.P.C. praying for cancellation of anticipatory bail granted to respondent No.2 - Gopal Giri - accused, vide order dated 3.10.2017 passed by learned Additional Sessions Judge, Kurukshetra in case FIR No.202 dated 18.4.2017, under Sections 420, 467, 468, 471 IPC, registered at Police Station Pehowa, District Kurukshetra.

According to the petitioner after being granted pre-arrest bail by learned Additional Sessions Judge, Kurukshetra, respondent

No.2 has been threatening the petitioner and his family members to compromise the matter stating that otherwise he would kill the petitioner; the matter was reported to the police but police did not take any action, therefore, respondent No.2 has violated the terms and conditions on which pre-arrest bail was granted to him, one of such condition was that he would not threaten the witness, therefore, the pre-arrest bail granted to him be recalled/cancelled.

Notice of the petition was issued to the respondents, who appeared through counsel.

The respondent No.1 – State in the written reply submitted by it has contended that the petitioner had submitted a complaint dated 26.10.2017 to Superintendent of Police, Kurukshetra that on 8.10.2017 and 25.10.2017, respondent No.2 threatened to kill him, if the matter was not compromised; such complaint were inquired into but were found to be false, rather it came out that respondent No.2 is son of real elder brother of father of the petitioner and civil as well as criminal litigation is pending between the two family members regarding landed property and that petitioner had levelled false allegations of threat to him by respondent No.2 to mount pressure upon the latter; the allegations made by the petitioner regarding threat/misuse of concession of bail were found to be false.

Respondent No.2 has adopted such written reply filed on behalf of respondent No.1.

I have heard learned counsel for the parties besides going through the record and I find that since in the probe conducted by the local police as regards the allegations levelled by petitioner against

respondent No.2 of threatening him and his family members to withdraw the FIR, otherwise, he would kill him were found to be false and motivated, no ground is made out for cancellation of pre-arrest bail granted to respondent No.2.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

23.4.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No