

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

CRM M-42732 of 2017.

Date of Decision: 27.03.2018.

Veena Sharma

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. G.S. Sandhu, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr. DAG Punjab
assisted by ASI Tarsem Singh.

Mr. Anil Kumar Garg, Advocate,
for respondent No.2.

JITENDRA CHAUHAN.J.(ORAL)

This is a petition under Section 439(2) of the Code of Criminal Procedure for cancellation of order dated 14.09.2017 vide which anticipatory bail was granted to respondent No.2 in FIR No.171 dated 26.08.2016 registered under Sections 376 and 506 IPC at Police Station City Kapurthala.

The present application has been filed on the ground that there were proceedings under Sections 107 and 151 Cr.P.C which were concealed by the petitioner. In pursuance of the notice of motion order, the State has produced order dated 20.06.2017 passed by Sub-Divisional Magistrate, Kapurthala whereby respondent No.2 stands discharged in proceedings under Sections 107 and 151 Cr.P.C. A

photocopy of the order is taken on record as 'Mark-A'.

It is asserted by the learned counsel for the petitioner that on the complaint filed by the applicant/petitioner, DDR was registered and the applicant/petitioner was threatened. She allegedly suffered certain injuries reflected in the MLR, however, that incident was prior to the order passed by this Court.

In *State (Delhi Admn.) v. Sanjay Gandhi, 1978(2)*

SCC 411, Hon'ble the Supreme Court has observed as under:-

“This Court observed rejection of bail when bail is applied for is one thing; cancellation of a bail already granted is quite another. It is easier to reject a bail application in a non-bailable case than to cancel a bail once granted. That is because cancellation of bail interferes with the liberty already secured by the accused either on the exercise of discretion by the court or by the thrust of law. This Court, therefore, observed that the power to take back in custody an accused who has been enlarged on bail has to be exercised with care and circumspection. That does not mean that the power though extraordinary in character must not be exercised even if the ends of justice so demand.”

After the grant of bail, as per instructions, respondent No.2 has been regularly appearing before the trial Court and there is nothing on record to suggest that the order vide which respondent No.2 was allowed bail is being misused, therefore, no case for cancellation of bail is made out.

Consequently, the petition is dismissed.

27.03.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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