

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

CRM-M-6277-2017 (O&M)

Date of decision: 28.02.2018

Jaswinder Singh

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Satbir Rathore, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. DPS Randhawa, Advocate for respondent Nos.2 to 5.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 439(2) Cr.P.C. seeking cancellation of bail granted to private respondents herein in case FIR No.64, dated 21.09.2015, under Sections 324/323/341/506/148/149 IPC (Section 326 IPC added subsequently), registered at Police Station Hajipur, District Hoshiarpur vide order dated 16.08.2016 passed by learned Additional Sessions Judge, Hoshiarpur (Annexure P-2).

The sole contention raised by counsel is that the petitioner herein was an eye witness to the occurrence and that after grant of concession of bail, the private respondents have mis-used the concession inasmuch as the petitioner was threatened and slapped on 15.10.2016 and again on 04.12.2016. Counsel submits that a material witness i.e. the present petitioner having been intimidated, a case for cancellation of bail is made out.

Briefly, it may be noticed that FIR came to be registered on the

statement of Anil Sihag, who was stated to be running a Stone Crusher in District Hoshiarpur. Alleged occurrence is of 15.09.2015 when occupants in a white colour Duster Car, a swift car and a Santro Car as also other persons riding 2/3 motorcycles came at the crusher. The private respondents herein are stated to have inflicted *datar* as also baseball blows.

A perusal of the impugned order dated 16.08.2016 (Annexure P-2) passed by learned Additional Sessions Judge, Hoshiarpur would reveal that while granting concession of bail, the Court had viewed the nature of injuries and furthermore, the factum of the private respondents having joined investigation.

The submission made by counsel as regards the present petitioner being an eye witness and having been threatened by the private respondents after passing of the impugned order does not inspire any confidence. Placed on record is a complaint dated 16.12.2016 (Annexure P-3/T) that the petitioner had submitted to the SHO, Police Station Hajipur. Perusal of the same would reveal that the assertions contained therein are utterly vague.

Learned State counsel upon instructions from ASI Daljeet Singh submits that such complaint was never received at Police Station Hajipur.

A specific query having been put, counsel for the petitioner concedes that after lodging of the complaint dated 16.12.2016 (Annexure P-3/T) and confronted with a situation of police inaction, the petitioner has not availed of any remedies that were available in accordance with law.

During the course of arguments, it has gone uncontroverted that investigation in the matter is complete and challan has been presented on

01.08.2017.

No case for cancellation of bail is made out.

Dismissed.

28.02.2018

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |