

CRM-M-9376-2017

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

**CRM-M-9376-2017
Date of Decision:03.08.2018**

Santosh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. B.R.Gupta, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Surender Saini, Advocate,
for respondent No.2.

INDERJIT SINGH, J.

Petitioner-Santosh has filed this petition under Section 439(2) of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for cancellation of bail granted by learned Additional Sessions Judge, Sonapat to respondent No.2 in case FIR No.366 dated 23.09.2016, registered at Police Station Sadar Sonapat, under Sections 302 and 34 IPC and Section 25 of the Arms Act, 1959.

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

Respondent No.2 also appeared through her counsel and contested this petition.

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

Perusal of record shows that respondent No.2 was arrested by the police on 28.09.2016 and she was granted regular bail by learned Additional Sessions Judge, Sonapat vide order dated 07.02.2017. From the record, I find that it is a case of circumstantial evidence.

Keeping in view the facts and circumstances of the present case, I find that since 07.02.2017, respondent No.2-Jyotika has been on bail and there is no serious allegation that she has tampered with the evidence. Otherwise also, only two witnesses remain to be examined including the complainant(present petitioner).

Learned counsel for the petitioner stated that a threat has been given by respondent No.2 to the petitioner and that is why the petitioner has not appeared before the trial Court to give evidence.

Learned State counsel has brought into notice of this Court that on 15.02.2017, the petitioner gave an application to the police regarding threat and direction was given that whenever she has to appear in the Court, police protection will be given to her, but she never approached afterwards to the police.

Keeping in view the facts and circumstances of the present case and in view of the above discussion, I do not find any ground to cancel the regular bail granted to respondent No.2.

If the petitioner feels any threat on her appearing as a witness in

the trial Court, she can contact S.H.O. of the concerned police station, who

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shall provide police protection to her for attending the Court.

With these observations, the present petition is dismissed.

03.08.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

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