

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

106

CRM-M-4321-2019

Date of Decision : 31.01.2019

Birbhan

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Abhinav Sood, Advocate
 for Mr. Rakesh Gupta, Advocate
 for the petitioner.

AJAY TEWARI, J. (ORAL)

This petition has been filed under Section 439(2) Cr.P.C. for cancellation of bail granted to respondent No.2 vide order dated 31.12.2018 passed by the Additional Sessions Judge, Jind in case FIR No.383 dated 26.12.2018 registered under Sections 384, 120-B, 34 IPC at Police Station City Narwana, District Jind. The ground taken is that the only reason which weighed with the trial court in granting bail to the respondent No.2 was that neither the IO had appeared nor filed a reply and consequently the respondent No.2 was released on bail after having gone custody of 5 days.

The case set up by the petitioner was that the respondent No.2 who is a lady had foisted a false criminal case upon him.

I have gone through the impugned order. A bare perusal of the impugned order reveals that while granting bail the trial court also noticed that no further recovery was to be made from the respondent No.2 and therefore the non-appearance of the IO was not the only reason which weighed with the trial court to grant bail to the respondent No.2.

Consequently, the petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

January 31, 2019
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No