

Crl. Misc. No. M-10623 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-10623 of 2018

DATE OF DECISION:30.01.2019

Balwant Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Shvetanshu Goel, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Randeep S. Dhull, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition under Section 439 (2) Cr.P.C. has been filed for cancellation of regular bail granted to respondent No.2 in case FIR No. 0140 dated 15.10.2017 registered under Sections 148,149,323,324,427, 447,506,511 and 379-B IPC and Section 25 of the Arms Act at Police Station Garhi, District Jind, Haryana.

Learned counsel for respondent-State submits that after receiving the copy of the representation made by the petitioner, both the parties were called and it was found that no occurrence had taken place and thereafter the said representation was withdrawn.

It has also been brought to the notice of this Court by learned

counsel for respondent No.2 that one more petition i.e. Crl. Misc. No. M-24722 of 2018 was filed before this Court by the petitioner, which was dismissed on merits.

While granting bail to respondent No.2 on 19.12.2017, a specific condition was imposed that in case, respondent No.2 or any of his family member including his father-Prithvi Singh was found creating hurdle in cultivation over the land in dispute by the complainant, order granting bail shall automatically stand cancelled and he shall be taken into custody.

Criteria for granting and cancellation of bail is totally different. Moreover, the representation moved by the petitioner has already been withdrawn and it cannot be said that there is any violation of condition mentioned in order dated 19.12.2017. The bail granted by this Court cannot be cancelled only on the ground that the petitioner was not allowed to cultivate his land. The conduct of the petitioner can be seen from the fact that the representation moved by him was subsequently withdrawn.

In view of the above, no ground is made out to cancel the bail granted to respondent No.2 by this Court vide order dated 19.12.2017.

The petition being devoid of any merit is hereby dismissed.

However, the petitioner is at liberty to avail the appropriate remedy available to him.

January 30, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No