IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15199-2018 (O&M)
Date of Decision : 11.01.2019

Amrik Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

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Present : Mr. Deepak Bhardwaj, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. R.S.Randhawa, Advocate for respondent No.2.

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RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 439 (2) Cr.P.C. for seeking cancellation of anticipatory bail granted to respondent No.2 in case FIR No.0008 dated 09.02.2018, registered under Sections 306, 120-B IPC at Police Station Sanaur, District Patiala, vide order dated 27.03.2018, passed by the learned Addl. Sessions Judge, Patiala.

Smt. Balwinder Kaur committed suicide by putting her on fire on 09.02.2018. The allegation levelled in the FIR against respondent No.2 is that of harassment. However, respondent No.2 was granted bail vide order dated 27.03.2018, passed by the learned Addl. Sessions Judge, Patiala.

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

It is settled law that the power of cancellation of bail must be

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exercised with care and circumspection and only in proper cases (Delhi Admn. vs. Sanjay Gandhi AIR 1978 SC 961).

Very cogent and overwhelming circumstances are necessary for an order seeking cancellation of bail. It is equally settled that if there is no violation of terms of order granting bail/anticipatory order, the cancellation of bail is not justified. The cancellation of bail necessarily involves the review of a decision already made and can by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retrain his freedom during the trial.

In the case in hand, nothing has been shown if the conduct of respondent No.2 was unfair or he violated the terms of bail bonds.

In view of aforesaid discussion, finding no ground to cancel the anticipatory bail, granted to respondent No.2, the instant petition stands dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

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Whether speaking/reasoned Yes/No
Whether Reportable : *Yes/No*

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CRM M-56134-2018

Ekjot singh and others vs. State of Haryana etc.

Present: None.

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The lawyers are abstaining from work today due to sad demise of two advocates.

Adjourned to 06.02.2019

(RAJ SHEKHAR ATTRI)
JUDGE

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