

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

**Criminal Misc. No. M-15519 of 2018
Date of decision: 08.03.2019**

Nanita Devi

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Jagdeep Singh, Advocate for
Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

Mr. R.S. Doon, AAG, Haryana
for respondent No.1-State.

Mr. Sanjay Vashisth, Advocate
for respondent No.2.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439(2) Cr.P.C. for cancellation of bail granted to respondent No.2 by the Sessions Judge, Bhiwani vide order dated 13.03.2018 in case FIR No.258 dated 01.05.2016 registered under Sections 147, 148, 149, 323, 506, 302 read with Section 120-B IPC at Police Station Sadar Bhiwani, District Bhiwani and challan was presented under Sections 302, 323, 506, 307, 325 read with Section 34 IPC.

Learned counsel for the petitioner submits that the bail has been granted to respondent No.2 only by considering the custody period, which is less than two years and not by considering the merits of the case. There is a possibility that respondent No.2 may influence the witnesses or tamper with the evidence during pendency of trial and at the time of

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recording of statements of witnesses.

Learned State counsel submits that bail was granted to respondent No.2 by passing a detailed order after considering the custody, which was approximately one year and ten months and nothing was said on merits. A cross-case under Section 307 IPC is also pending against the complainant party. Learned State counsel also submits that all the prosecution witnesses have been examined and the trial is likely to be concluded soon.

Similarly respondent No.2 has also opposed the submissions made by learned counsel for the petitioner.

Heard arguments of learned counsel for the parties and have also perused the documents available on record.

The relevant portion of order dated 13.03.2018, vide which respondent No.2 was granted bail, is reproduced as under: -

“Accused is a government teacher and is in custody since 6.5.2016. Admittedly, there is a cross-case under Section 307 IPC against the complainant-party which is also pending in this Court. Without commenting upon the merits of the case and the fact that the accused is in custody since 6.5.2016, the bail application is hereby allowed and the Accused-applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of this Court. Application stands disposed of accordingly. Application be tagged with the main file

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pending in the Court.”

On perusal of said order, it is apparent that while granting bail to respondent No.2, only the custody since 06.05.2016 was considered and it was also mentioned that a cross-case under Section 307 IPC is also pending against the complainant party. Moreover, all the prosecution witnesses have been examined and the trial is likely to be concluded soon. There is no possibility that respondent No.2 may influence the witnesses or tamper with the evidence.

Hence, no ground is made out to allow this petition for cancellation of bail and the same is hereby dismissed.

08.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No