

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-9254 of 2019

.....

Date of decision:04.07.2019

Seema

...Petitioner

v.

State of Haryana and another

...Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Chander Pal Tiwana, Advocate for the petitioner.

Mr. Navdeep Singh, Assistant Advocate General, Haryana
for the respondent-State.

Mr. Rajender Kumar, Advocate for respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 439(2) Cr.P.C. for cancellation of regular bail granted to accused-respondent No.2 by this Court vide order dated 05.10.2018 in case FIR No.90 dated 27.06.2018 registered for the offences under Sections 148, 149, 307, 323 and 120-B IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Rajound, District Kaithal, during the pendency of trial.

Notice of motion was issued.

Mr. Navdeep Singh, learned Assistant Advocate General,

Haryana has appeared on behalf of the respondent-State and Mr. Rajender

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Kumar, learned Advocate has appeared for respondent No.2 and contested this petition.

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

At the time of arguments, learned counsel for the petitioner argued that the complainant is a lady and the accused (respondent No.2) is trespassing her house and also giving threatening qua which the matter has already been reported. Complaints have been filed and proceedings under Sections 107/151 Cr.P.C. have been initiated against respondent No.2. Learned counsel for the petitioner argued that respondent No.2 is tampering with the evidence, giving threats to the witnesses, therefore, he is misusing the concession of bail granted to him by this Court and his bail be cancelled.

At the time of arguments, learned counsel for No.2 admitted that proceedings under Sections 107/151 Cr.P.C. have been initiated against respondent No.2 on the complaint of Seema-petitioner, but he argued that a false complaint has been lodged by the petitioner and false proceedings have been initiated against respondent No.2.

After hearing learned counsel for the parties as well as learned State counsel and going through the record, I find that this Court has granted regular bail to respondent No2-Nar Singh vide order dated 5.10.2018. Annexure-P3 is copy of complaint given to the Superintendent of Police, Kaithal, in which it is stated that on 14.12.2018 at about 6.00/6.15, the applicant was alone at her house, then Nar Singh alisa Narsa under the influence of liquor, entered into her house. He threatened the applicant by saying that if she gave the evidence against them, he will kill

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her and her son Ashok. In the application, the petitioner has stated that there is apprehension of danger to the life of the applicant and her son. Annexure-P.5 is another complaint in which there was mention of the occurrence of 14.12.2018 and regarding making complaint to Superintendent of Police, Kaithal in this regard and it has been further stated that on 22.1.2019 Chhatarpal, brother of accused-Nar Singh, who is in judicial custody in District Jail, Kaithal, had moved an application for bail, which was dismissed by the High Court. Due to this grudge on 23.01.2019 above said accused Nar Singh having his weapon (Pistol) entered in to her house by trespassing the wall and threatened her to shoot with bullet and threats etc. were given. This complaint was made by the petitioner on 24.1.2019 to the Superintendent of Police, Kaithal. There is another report No.8 dated 4.2.2019 that proceedings under Sections 107/151 Cr.P.C. have been initiated against respondent No.2-Nar Singh.

Keeping in view the complaints against Nar Singh and proceedings initiated under Sections 107/151 Cr.P.C., it is clear on the record that respondent No.2 after getting the bail is tampering with the evidence and threatening the witnesses not to give the statements etc. and is misusing the concession of bail granted by this Court.

Therefore, in view of these facts, the regular bail granted to respondent No.2 vide order dated 5.10.2018 is liable to be cancelled and is hereby cancelled accordingly. Respondent No.2-Nar Singh is directed to surrender immediately before the trial Court and the trial Court will take him in custody. If he does not surrender before the trial Court immediately, then the trial Court is directed to issue non-bailable warrants and take him

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into custody.

This petition is allowed accordingly.

July 04, 2019.

(Inderjit Singh)
Judge

hsp

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