

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21922-2019

Date of decision-16.07.2019

Rakesh Kumar

....Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shadab Ahmad, Advocate for the petitioner.

Mr. Hittan Nehra, Addl.AG, Punjab.

Mr. Harish Goyal, Advocate for respondent No.2.

MANOJ BAJAJ, J.

Petitioner-Rakesh Kumar has filed this petition under Section 439 (2) Cr.P.C for cancellation of bail granted to respondent No.2 vide order dated 20.09.2018 by Chief Judicial Magistrate, Mansa in case FIR No.82 dated 10.08.2018 registered under Sections 325 and 323 read with Section 34 of Indian Penal Code at Police Station City-I, Mansa.

Learned counsel for the petitioner contends that after getting the concession of regular bail, threats have been extended and therefore, the concession deserves to be withdrawn. Learned counsel further submits that he has also filed representation dated 12.04.2019 (Annexure P-6) before Senior Superintendent of Police, Mansa.

Perusal of the order dated 24.04.2019 passed by Additional Sessions Judge, Mansa reveals that the complainant did not mention

anything regarding representation filed before Senior Superintendent of Police, Mansa. The threat extended to Birbal Dass is raised as a ground for cancellation of bail. However, the Sessions Court in its order dated 24.04.2019 has specifically noticed that no material has been placed on record in respect of the ground set up for cancellation of bail.

It needs to be noticed here that after the grant of concession by the trial Court, no such averment or prayer was made by the complainant before the Court regarding misuse of the concession or filing of representation before the SSP, Mansa. This fact is not disputed by learned State counsel.

In view of the above, no case is made out for cancellation of bail granted to respondent No.2, particularly in the absence of any convincing material for the alleged misuse of the concession of regular bail.

Consequently, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

16.07.2019

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