

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-28696-2019

Date of Decision:01.10.2019

Preeti

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Parvesh Kaushik, Advocate for
Mr. Kartar Singh Malik-I, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. S.K. Daaria, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Sections 438, 439(2) read with Section 482 Cr.P.C. is for cancellation of anticipatory bail granted to respondent No.2.

Power of attorney filed on behalf of respondent No.2 today in the Court, is taken on record.

Vide order dated 15.06.2019(Annexure P-2) passed by learned Additional Sessions Judge, Rohtak, respondent No.2-Vishal Chaliya was granted anticipatory bail in FIR No.147 dated 26.04.2019 under Sections 406, 498-A, 506 IPC, registered at Police Station PGIMS, Rohtak.

The primary ground to seek cancellation of bail is that respondent No.2-accused and his family members are pressing hard upon

the petitioner to compromise the matter, otherwise they will eliminate them for which the petitioner has submitted a representation dated 30.06.2019 (Annexure P-5) to the concerned police authorities.

Learned State Counsel, on instructions from ASI Kashmir Singh, states that apart from the fact that there is no threat to the life of the petitioner as alleged in the petition, no such representation dated 30.06.2019 has been received by them. She further states that no recovery is required to be effected in the case as alleged by the petitioner while seeking cancellation of bail.

This Court still in order to explore the possibility of compromise between the parties, had referred the matter to the Mediation and Conciliation Centre of this Court and a report dated 18.09.2019 has been received from the Mediator, wherein it has been reported that mediation in the case has failed.

Hon'ble Apex Court in Dolat Ram and others Vs. State of Haryana, (1995) 1 SCC 349 has been held that the bail granted to the accused should not be cancelled in a mechanical manner. The observation made by the Hon'ble Apex Court in Dolat Ram's case (supra) reads as under:-

“Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of Justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any

manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.”

The considerations for the cancellation of bail are totally different than the one for granting the bail. Such considerations should be weighty and strong, leaning towards the prosecution and the injuries suffered by the aggrieved party.

No material or circumstance has been brought to the notice of this Court, which could be a ground to cancel the bail. Moreover, investigation in the present FIR is already complete and challan has been presented. There is no allegation that respondent No.2 has influenced the process of the Court. Moreover, respondents have denied the allegation of threat extended by the respondent.

Accordingly, no case for interference is made out.

Dismissed.

October 01, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No