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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29873-2019

Date of Decision: 29.11.2019

Saroj Verma

.. Petitioner

Vs.

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

None for respondent No.2.

...

Manoj Bajaj, J.

This petition has been filed under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. for cancellation of bail granted to accused/respondent No.2 vide order dated 22.04.2019 (Annexure P-3) by this Court in case FIR No.1056 dated 26.12.2014 under Sections 419, 420, 467, 471, 120-B and 201 of the Indian Penal Code, 1860, registered at Police Station Sector-5, Gurugram, District Gurugram.

On 17.07.2019, notice of motion was issued, however, despite service none has put in appearance on behalf of respondent No.2.

Learned counsel for the petitioner contends that the concession of regular bail was extended to respondent No.2 by this Court on the ground that the parties have entered into a compromise and a sum of ₹2,00,000/- has been given to the complainant/petitioner and nothing is due. It is pointed out that the prayer was not opposed by the complainant/petitioner,

however, later on, respondent No.2 retracted from the compromise as the

cheque for a sum of Rs.2,00,000/- was dishonored on 17.04.2019. He submits that since the condition of bail is violated by respondent No.2, therefore, the concession deserves to be cancelled.

A perusal of the order dated 22.04.2019 reveals that this Court extended the concession with the following three terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality, the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the prior permission of the Court.

A perusal of the above indicates that no such condition was imposed that in case the accused/respondent No.2 retracts from the compromise, the concession would be liable to be withdrawn.

During the course of hearing, it is not disputed by the learned counsel for the petitioner that the concession was never put to misuse, therefore, this Court does not find any reason to exercise the jurisdiction under Section 439 (2) Cr.P.C.

The petition is dismissed.

29.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No