

214.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41701-2019

Date of decision: 13.12.2019

SHWETA

.... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manjeet Singh, Advocate,
for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439(2) of Cr.P.C. is for cancellation of bail granted to respondent No.2 vide order dated 22.07.2019 passed by the learned Additional Sessions Judge Bhiwani, in case FIR No.158, dated 22.05.2019 registered under Sections 342, 377, 354, 406, 498-A, 506 of IPC at Police Station Civil Lines, Bhiwani, District Bhiwani.

On 27.09.2019, on the statement of counsel for the petitioner that there are chances of amicable settlement between the parties, this Court referred the matter to the Mediation and Conciliation Centre of this Court. However, the matter could not resolve before the Mediator.

Hon'ble Apex Court in ***Dolat Ram and others Versus State of Haryana, (1995) 1 SCC 349*** has 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.”

There is no dispute with regard to the proposition of law as laid down by Hon'ble the Apex Court. The consideration 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.

The argument of counsel for the petitioner that nothing has been recovered, is of no help, as even recovery itself is no ground to decline bail as held by the Hon'ble Supreme Court in ***Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836.***

Accordingly, no case for interference is thus made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

13.12.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No