

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-42242-2019 (O&M)

Date of Decision: 01.10.2019

Sukhpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sunil Agnihotri, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Sukhpal Singh has filed this petition under Section 439(2) Cr.P.C. for cancellation of bail granted to respondent nos. 2 to 7 by the Ld. Addl. Sessions Judge, Hoshiarpur, in FIR No. 149 dated 30.6.2019 registered under Sections 380, 447, 448, 120-B of the Indian Penal Code at P.S. Tanda, District Hoshiarpur

A bare perusal of the FIR reveals that the alleged occurrence took place at the residence of Boota Singh Poona and was noticed by him when he was in India in March, 2019. The accusations are against the real brother of Boota Singh and the other relatives. However, the FIR in question was registered on the complaint given by the petitioner-Sukhpal Singh son of Kishan Singh.

Pursuant to the FIR in question, the accused had applied for pre-arrest bail and the said prayer was accepted by the Additional Sessions Judge, Hoshiarpur vide order dated 8.7.2019.

Learned counsel for the petitioner has pressed for cancellation of bail on the ground that despite the response of Investigating Officer regarding non-cooperation of the accused during joining of the investigation, the Court has wrongly exercised its jurisdiction by extending

the concession of bail.

During the course of hearing, learned counsel for the petitioner is unable to point out the non-cooperation on the part of the accused and the same was never explained by the said officer namely ASI Sukhjinder Singh. Even otherwise, the FIR in question is apparently founded on hearsay material and, therefore, this Court finds that the concession of bail was rightly extended by the Court below to the accused.

No ground is made out for cancellation of bail.

Dismissed.

1.10.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No