

CRM-M-44286-2019

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

**CRM-M-44286-2019 (O & M)
Date of Decision:20.11.2019**

Rajpreet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kehar Singh Hissowal, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.

CRM-33540-2019

Allowed as prayed for, subject to all just exceptions. Annexure
P-4 is taken on record.

CRM-M-44286-2019

The petitioner has filed this petition under Section 439 (2) of the Code of Criminal Procedure for cancellation of anticipatory bail granted to respondent No.2 in FIR No.73 dated 17.04.2019, registered at Police Station Sadar Jagraon, under Sections 406 and 420 IPC, by this Court vide order dated 17.09.2019 passed in CRM-M-27086-2019.

Learned counsel for the petitioner contended that respondent No.2-accused is misusing the concession of anticipatory bail granted to him by this Court. It is further contended that the accused had obtained the bail by concealing the material facts inasmuch as he had not disclosed to this

CRM-M-44286-2019

the petitioner for his use and later on had not returned and rather sold it to some other person.

Heard.

It is settled law that once the bail has been granted by the court, the same can be cancelled on account of its misuse. Nothing has been brought to the notice of this Court that respondent No.2 has tried to misuse the concession of bail. Once the discretion has been exercised by the court while granting bail by considering the relevant and material facts. There is hardly any chance to interfere with such discretion unless the same suffers from serious infirmities or perversity.

So far as the contention of learned counsel for the petitioner qua the sale of vehicle is concerned, the same was duly noticed by the Coordinate Bench of this Court while granting *ad interim* bail to respondent No.2 vide order dated 20.06.2019. Relevant extract of the order dated 20.06.2019 reads as under:

“ XX

XX

It is argued that in so far as the loan amount is concerned, proceedings under Section 138 of the Negotiable Instruments Act already stand initiated and are pending. In so far as the sale of vehicle is concerned, it is contended that no details have been furnished in the FIR as regards the date of the sale transaction/the amount of sale consideration etc. It is argued that in any case against the backdrop of the allegations, custodial interrogation of the petitioner would not be warranted as he is otherwise ready and willing to join investigation.”

Learned counsel for the petitioner has not been able to show as

CRM-M-44286-2019

to whether the order granting bail is perverse or how the concession of bail has been misused by respondent No.2. Even no complaint has been made to the police authorities to show that respondent No.2 has tried to tamper with the evidence or any threat has been given to the witnesses.

In view of the above, I do not find any merit in the present petition.

Dismissed.

20.11.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No