

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

**Criminal Misc. No.M-44906 of 2019 (O&M)
Date of Decision: October 22, 2019**

Raj Kumar

.....PETITIONER(s).

VERSUS

State of Haryana and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anshul Sharma, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

This is application under Section 439(2) of Code of Criminal Procedure seeking cancellation of regular bail allowed to respondent No.2 vide order dated 10.04.2019 (Annexure P-3) passed by learned Additional Sessions Judge, Faridabad.

The relevant observations of Additional Sessions Judge, Faridabad while granting bail to respondent No.2, are as follows:-

“5. In the present case, applicant/accused alongwith other co-accused has been implicated for committing the offence punishable under sections 188, 380, 447, 448, 452, 506 & 34 IPC. The offences alleged to have been committed by the applicant are triable by the court of Ld. Judicial Magistrate, Ist Class. The allegations leveled against the accused/applicant are yet to be proved during the course of trial. The applicant is in custody since 29.3.2019. The applicant is not required for any investigation, interrogation and for any recovery.

Trial of the case shall take long time to conclude. No useful purpose would be served by keeping the accused in custody for further period. Hence, in these circumstances & without commenting on the merits of the case, I am of the considered view that it is a fit case where the applicant should be released on bail. With these observation, bail application filed on behalf of accused/applicant Satish is hereby allowed and he be released on bail on furnishing his personal bond in the sum of Rs.50,000/- with one LOCAL SURETY in the like amount to the satisfaction of Learned Ilqa/Duty Magistrate. Copy of this order be sent there for compliance."

Thereafter, on 24.04.2019, another case for the offences punishable under Sections 148, 149, 188, 379, 447, 506 IPC read with Section 25 of Arms Act was registered against respondent No.2 and petitioner moved an application for cancellation of bail allowed to the petitioner. His application was declined by learned Additional Sessions Judge on two grounds; firstly that in the second FIR, petitioner has been allowed bail vide order dated 02.07.2019 and secondly that the registration of second case is no ground to cancel the bail allowed in the earlier case, until or unless, the allegations against the accused are proved before the Court.

The question, which arises for consideration in this petition is as to whether registration of second FIR is a reason for cancelling a bail allowed in the earlier case. This can be a plea to be raised by the petitioner to contest the bail application of respondent No.2 in the subsequent FIR. Merely on the basis of allegations in second FIR, bail allowed in this FIR,

cannot be cancelled at this stage.

In view of the above, I find no reason to differ with the observations of learned Additional Sessions Judge, Faridabad in order dated 20.07.2019, declining application filed by petitioner seeking cancellation of bail of respondent No.2 in this case.

This petition has no merits. Dismissed.

October 22, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***