

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

CRM-M-50529 of 2019.

Decided on:- November 28, 2019.

Jasleen Kaur.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Krishan Singh, Advocate
 for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439(2) Cr.P.C. is for cancellation of anticipatory bail granted to respondent No.2 vide order dated 08.05.2019 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri in FIR No.460 dated 22.04.2019 under Section 506 IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner has argued that the respondent No.2 has violated the terms and conditions of the bail granted to him. After grant of anticipatory bail, respondent No.2 started harassing the petitioner, who is a minor girl and is real niece of respondent No.2. The petitioner and her father have filed many complaints against respondent No.2 in the police station, but no action was taken by the police.

I have heard learned counsel for the petitioner.

There is no dispute that civil litigation between the parties is already pending. It is also not disputed that the petitioner is real niece of respondent No.2.

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

Therefore, considering the fact that there is already a civil litigation pending between the parties and in view of the law laid down in ***Dolat Ram and others' case (supra)***, this Court finds that the prayer for cancellation of anticipatory bail granted to respondent No.2 cannot be accepted.

The present petition is, accordingly, dismissed.

November 28, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No