

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

CRM-M-49865 of 2019 (O&M)
Decided on:- November 25, 2019.

Kuldeep Kaur.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Ms. Neha Sharma, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439(2) Cr.P.C. read with Section 482 Cr.PC is for cancellation of regular bail granted to respondent No.2 by this Court vide order dated 30.10.2019 passed in ***CRM-M-45157 of 2019*** titled as ***Harnek Singh, Kukku Versus State of Punjab*** in FIR No.39 dated 17.03.2019 under Sections 376, 511 and 506 IPC registered at Police Station Goraya, District Jalandhar.

Learned counsel for the petitioner states that in case the respondent No.2-accused is set free under the garb of bail, he is bound to influence the witnesses, as no witness has been examined in the case till date and he may try to harm the petitioner-complainant physically.

Having heard learned counsel for the petitioner, this Court finds that so far as prayer of the petitioner for cancellation of regular bail granted to respondent No.2 is concerned, the same cannot be accepted in view of the law

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

The present petition is, accordingly, dismissed.

November 25, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No