

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M-6128-2020

Date of Decision:12.02.2020

Vinita

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Munish Gupta, 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.P.C. is for cancellation of regular bail granted to respondent No.2 vide order dated 29.11.2019(Annexure P-9) passed by learned Chief Judicial Magistrate, Narnaul, in FIR No.139 dated 05.12.2018 (date wrongly mentioned as 04.12.2018 in the order dated 29.11.2019) under Sections 323, 354-B, 506 IPC (the offences under Sections 376 & 511 IPC were added later on), registered at Police Station Women Narnaul, District Mohindergarh.

Learned counsel for the petitioner states that respondent No.2 was having bad eye on the petitioner and in the absence of her husband, he used to catch hold the petitioner from behind and she used to get herself released from his clutches in order to save the matrimonial relations with the hope that one day good sense would prevail upon the respondent No.2. He

further states that respondent No.2 had earlier approached this Hon'ble

Court for grant of anticipatory bail in CRM-M-56061-2018 (**Hanuman Versus State of Haryana and another**) and when he was not succeeded in getting bail, he has withdrawn said petition on 15.10.2019. After the decline of anticipatory bail from this Hon'ble Court, he approached the trial Court for grant of regular bail and vide order dated 29.11.2019, learned Chief Judicial Magistrate, Narnaul had granted bail to respondent No.2, ignoring the gravity of offence committed by him.

Heard learned counsel for the petitioner.

The Hon'ble Apex Court in **Dolat Ram and others Versus State of Haryana (1995) 1 SCC 349**, 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 nonbailable case in the first instance and the cancellation of bail already granted.”

There is no dispute with regard to the proposition of law as laid down by Hon'ble the Supreme Court. The consideration for the cancellation of bail is totally different than the one for granting the bail. Such considerations should be weighty and strong, leaning towards the prosecution and the injuries suffered by the aggrieved party.

No material or circumstance has been brought to the notice of this Court, which could be a ground to cancel the bail. There is no allegation that respondent No.2 has influenced the process of the Court or intimidated the petitioner. Even otherwise perusal of paper-book reveals that the investigating agency has deleted the offence under Sections 376 and 511 IPC and added offence under Section 354-B IPC.

In this circumstances, no case for interference is made out.

Dismissed.

February 12, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No