

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CRM-M-44777-2018

Date of Decision:27.01.2020

Yashpal Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Ravi Gakhar, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439(2) Cr.P.C. is for cancellation of regular bail granted to respondent No.2 by this Court vide order dated 19.07.2018(Annexure P-12) passed in CRM-M-25016-2018 in FIR No.84 dated 15.04.2018 under Sections 354, 506, 34, 306 IPC, registered at Police Station Sadar Khanna, District Ludhiana.

As per order dated 19.07.2018, investigation in the case is over and learned State Counsel, on instructions from ASI Tarsem Lal, has apprised this Court that now the case is fixed for evidence of the prosecution witnesses. She states that as against total 18 witnesses cited by the prosecution, 06 witnesses have been examined in the case.

The Hon'ble Apex Court in **Dolat Ram and others Versus**

State of Haryana (1995) 1 SCC 349, has observed as under:

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.”

In view of the law laid down in ***Dolat Ram's*** case(supra), no case is made out. The present petition is, accordingly, dismissed.

January 27, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No