

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

CRM-M-27897 of 2020.

Decided on:- November 17, 2020.

Simran.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

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

Present:- Mr. Jagjit Singh Gill, 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 respondents No.2 to 4 vide order dated 21.08.2020 passed by learned Additional Sessions Judge, Fast Track Special Court, Sirsa in FIR No.185 dated 04.07.2020 under Sections 323, 498-A, 377 and 511 read with Section 34 IPC registered at Police Station Civil Line, Sirsa, District Sirsa.

Learned counsel for the petitioner has argued that while granting pre-arrest bail to the respondents No.2 to 4, learned Court below has failed to appreciate the fact that there are serious allegations under Section 377 IPC against the husband-respondent No.4. Further, there are special allegations of demand of dowry, harassment and beatings against the accused-respondents No.2 to 4.

He has further contended that the petitioner is having an apprehension that the police is hand in glove with the accused persons. The police did not try to arrest the accused persons and even the matter was not properly investigated by the police.

I have heard learned counsel for the petitioner.

The parameters of granting bail and cancellation thereof are entirely different.

In ***Dolat Ram and others Versus State of Haryana (1995) 1 SCC 349***, Hon'ble Supreme Court has held that the bail granted to the accused should not be cancelled in a mechanical manner. The relevant observations made by Hon'ble Supreme Court read 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.”

In view of the above and considering the law laid down in ***Dolat Ram and others’ case (supra)***, this Court finds that the prayer for cancellation of anticipatory bail granted to respondents No.2 to 4 cannot be accepted.

The present petition is, accordingly, dismissed.

November 17, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No