

110.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35623-2020

Date of decision: 04.11.2020

RANBIR SINGH

.... Petitioner

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sawan Choudhary, Advocate, for the petitioner.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439(2) of Cr.P.C. read with Section 482 Cr.P.C. is for cancellation of regular bail granted to respondent No.2 vide order dated 29.06.2020 (Annexure P-2) passed by the learned Sessions Judge, Jind, in case FIR No.10, dated 12.01.2020 registered under Sections 171/201/328/363/366/376/420/506 of IPC at Police Station Safidon, District Jind.

Heard.

The parameters of granting bail and cancellation of the same are entirely different.

The Hon'ble Apex Court in ***Dolat Ram and others Versus State of Haryana, (1995) 1 SCC 349*** has been held that the bail granted to the accused should not be cancelled in a mechanical manner. The observation made by the Hon'ble Apex Court in ***Dolat Ram's*** case (*supra*)

reads 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, no case for interference is made out.

The present petition is, accordingly, dismissed.

(HARI PAL VERMA)
JUDGE

04.11.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No